

Exhibit 1B

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 same complaint over and over again every time</p> <p>3 you responded to anybody who e-mailed you,</p> <p>4 right?</p> <p>5 A. To the hundreds of people who were</p> <p>6 offended by the racist cartoon, yes.</p> <p>7 Q. So, he ended up with hundreds of</p> <p>8 e-mails that you sent?</p> <p>9 A. Everybody who was on that master</p> <p>10 list received the same response.</p> <p>11 Q. So, you could understand that he</p> <p>12 was annoyed that you were -- that your e-mails</p> <p>13 were filling his e-mail box with hundreds of</p> <p>14 the exact same response, right?</p> <p>15 A. I didn't appreciate his tone, no.</p> <p>16 Q. Did you have permission to put him</p> <p>17 on an automatic e-mail response?</p> <p>18 A. Did I have his permission?</p> <p>19 Q. Yes.</p> <p>20 A. He was part -- I was replying to</p> <p>21 everybody.</p> <p>22 Q. Did you have permission to place an</p> <p>23 automatic e-mail response on your computer?</p> <p>24 A. I asked Jennifer Jane if I could</p> <p>25 reply. And Jennifer Jane said yes, I have the</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 right to reply.</p> <p>3 Q. Did you ever give Ms. Jane a</p> <p>4 written complaint?</p> <p>5 A. No.</p> <p>6 Q. Did The Post apologize for the</p> <p>7 cartoon?</p> <p>8 A. Yes, three different times.</p> <p>9 Finally, it ended with Rupert Murdoch having</p> <p>10 to weigh in.</p> <p>11 Q. Were you satisfied with his</p> <p>12 apology?</p> <p>13 A. Yes, but I felt that we needed an</p> <p>14 apology for the internal coworkers, and that</p> <p>15 never came.</p> <p>16 Q. You've alleged that the -- that</p> <p>17 after you made your complaints known to</p> <p>18 Ms. Jane and others about the cartoon, that</p> <p>19 you were subjected to a series of retaliatory</p> <p>20 actions, correct?</p> <p>21 MR. THOMPSON: Objection.</p> <p>22 A. Yes.</p> <p>23 Q. And those included increased</p> <p>24 scrutiny of your expenses?</p> <p>25 A. It included my getting fired,</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 unjustly fired.</p> <p>3 Q. Did it include increased scrutiny</p> <p>4 of your expenses?</p> <p>5 A. It included increased -- it</p> <p>6 included my not getting the review that I</p> <p>7 deserved and my being told by my supervisor,</p> <p>8 Joe Rabinowitz, Sandra, I would have given you</p> <p>9 a better review, but I was instructed by</p> <p>10 Col Allan not to.</p> <p>11 Q. And what else did it include?</p> <p>12 A. What else did what include?</p> <p>13 Q. The retaliation that you suffered.</p> <p>14 A. The way I was retaliated against?</p> <p>15 Q. Yes.</p> <p>16 A. Increased scrutiny on stories.</p> <p>17 Increased scrutiny on the kinds of stories</p> <p>18 that I would pursue. Where before, I didn't</p> <p>19 have any kinds of scrutiny on stories that</p> <p>20 incurred some expenses. That before, I wasn't</p> <p>21 I wasn't requested to provide justification</p> <p>22 for these stories.</p> <p>23 Q. Before you complained about the</p> <p>24 cartoon?</p> <p>25 A. Yes.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. It's your contention in this</p> <p>3 lawsuit that the Complaint that you brought in</p> <p>4 the wake of the cartoon caused all of these</p> <p>5 retaliatory acts to occur; is that right?</p> <p>6 A. I had been complaining to</p> <p>7 management before February 2009 about the</p> <p>8 racist and sexist behavior at The Post. In</p> <p>9 February of 2009, I complained directly to HR.</p> <p>10 I had been complaining about it.</p> <p>11 When I complained in February 2009</p> <p>12 to HR, when I complained externally and</p> <p>13 internally, I began to feel the retaliation.</p> <p>14 Q. After you complained to HR?</p> <p>15 A. Yes.</p> <p>16 Q. Ms. Guzman, were there any acts of</p> <p>17 retaliation that you experienced prior to your</p> <p>18 complaints to HR about the cartoon?</p> <p>19 A. Prior to my complaining?</p> <p>20 Q. Yes.</p> <p>21 A. On February 19th?</p> <p>22 Q. Yes.</p> <p>23 A. About the cartoon?</p> <p>24 Q. Yes.</p> <p>25 A. Not that I can recall, no.</p>

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. How did you learn about the job</p> <p>3 opportunity at The New York Post that</p> <p>4 ultimately resulted in you being hired?</p> <p>5 A. Chickie Cartagena.</p> <p>6 Q. Did you -- and what did --</p> <p>7 A. And Thea --</p> <p>8 Q. What did that individual tell you?</p> <p>9 A. I'm sorry?</p> <p>10 Q. What did that individual tell you?</p> <p>11 A. That The New York Post was looking</p> <p>12 for an associate editor to help launch a</p> <p>13 Hispanic supplement to help them do something</p> <p>14 to gain Hispanic readership in New York.</p> <p>15 Q. And did you apply for the job?</p> <p>16 A. And I -- yes, I called Emathea</p> <p>17 Disney and Emathea Disney and I met and she</p> <p>18 thought I was perfect for the job and she</p> <p>19 introduced to me Lachlan Murdoch and Lachlan</p> <p>20 Murdoch and I had a conversation and I was --</p> <p>21 I was recruited.</p> <p>22 Q. How many interviews did you have?</p> <p>23 A. I remember having several with</p> <p>24 Emathea and several with Lachlan --</p> <p>25 Q. And you were hired to --</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. -- Murdoch.</p> <p>3 Q. -- start Tempo and to advise The</p> <p>4 Post about matters relating to the Hispanic --</p> <p>5 potentially Hispanic readership, correct?</p> <p>6 A. Right. And also to advise them on</p> <p>7 matters of other news issues such as public</p> <p>8 education. I have children in the public</p> <p>9 schools, so as a New Yorker with kids in</p> <p>10 public schools, yeah.</p> <p>11 So, they wanted me to make</p> <p>12 contributions to Hispanics, but also to other</p> <p>13 areas of the paper.</p> <p>14 Q. Well, your employment agreement</p> <p>15 does not refer to education or other trends</p> <p>16 that don't effect the Latino community, does</p> <p>17 it?</p> <p>18 A. Can I see? It.</p> <p>19 Q. Sure this is going to be Guzman</p> <p>20 Exhibit 25. And it's base numbered NYP '506</p> <p>21 through NYP '512.</p> <p>22 (Defendant's Guzman Exhibit 25,</p> <p>23 document bearing Bates numbers NYP</p> <p>24 '506 through '512, marked for</p> <p>25 identification, as of this date.)</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. I'll direct your attention to the</p> <p>3 paragraph number three. Have you had a chance</p> <p>4 to look at that?</p> <p>5 A. Yes.</p> <p>6 Q. And Ms. Guzman, is Exhibit 25 the</p> <p>7 employment agreement that you had with The</p> <p>8 Post when you started in 2003?</p> <p>9 A. Yes.</p> <p>10 Q. Is it your signature on the last</p> <p>11 page?</p> <p>12 A. Yes.</p> <p>13 Q. And does paragraph three reflect</p> <p>14 the duties that you were hired to perform?</p> <p>15 A. Yes.</p> <p>16 Q. So, does this say anything about</p> <p>17 providing any expertise relating to education?</p> <p>18 A. No. It does say you will --</p> <p>19 required -- such duties shall should, among</p> <p>20 others, that you would serve as a member of</p> <p>21 The Post editorial executive management team.</p> <p>22 Will you attend daily news conference and</p> <p>23 contribute to the ideas and discussion process</p> <p>24 concerning the news of the day, which can</p> <p>25 include education, which can include a number</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 of different topics.</p> <p>3 Q. Well, it could include anything,</p> <p>4 right?</p> <p>5 A. Yes.</p> <p>6 Q. So, one of your duties was to</p> <p>7 contribute at The Daily News conferences</p> <p>8 right?</p> <p>9 A. To contribute, yes.</p> <p>10 Q. And those, you stopped attending at</p> <p>11 the end of 2005, right?</p> <p>12 A. I was told I was not needed.</p> <p>13 Q. The other duties that you were</p> <p>14 expected to give expert advice on issues and</p> <p>15 trends in the New York Latino community right?</p> <p>16 A. Yes.</p> <p>17 Q. And then the third thing was to</p> <p>18 plan and launch a regular section for the</p> <p>19 Latino community right?</p> <p>20 A. That's right.</p> <p>21 Q. That agreement expired two years</p> <p>22 after it was executed right?</p> <p>23 A. Yes.</p> <p>24 Q. July of 2005, right, correct?</p> <p>25 A. Where does to say that?</p>

<p style="text-align: right;">Page 366</p> <p>1 SANDRA GUZMAN-10/13/11</p> <p>2 '2429 through '2536. I'm going to have the</p> <p>3 same question for you, which is: Are these</p> <p>4 the special sections that you edited at The</p> <p>5 New York Post in 2008 other than Tempo?</p> <p>6 (Defendant's Guzman Exhibit 30,</p> <p>7 document bearing Bates numbers NYP</p> <p>8 '2429 through '536, marked for</p> <p>9 identification, as of this date.)</p> <p>10 Q. And if you'll notice they actually</p> <p>11 are individually stapled. So, you don't have</p> <p>12 to turn each page.</p> <p>13 A. Yes.</p> <p>14 Q. So, is this -- are these the</p> <p>15 special sections that you edited in 2008?</p> <p>16 A. These are the ones that were</p> <p>17 published, yes.</p> <p>18 Q. And did you have an opportunity to</p> <p>19 count the number that are here?</p> <p>20 A. The sections?</p> <p>21 Q. Yes.</p> <p>22 A. One, two, three, four, five, six,</p> <p>23 seven, eight, nine, ten. Eleven?</p> <p>24 MR. DATOO: Count them slowly.</p> <p>25 MR. LERNER: I count 11.</p>	<p style="text-align: right;">Page 367</p> <p>1 SANDRA GUZMAN-10/13/11</p> <p>2 MR. DATOO: That's what I have.</p> <p>3 Q. Ms. Guzman, so these are the</p> <p>4 special sections that you edited that were</p> <p>5 published?</p> <p>6 A. That saw publication.</p> <p>7 Q. And you edited sections that were</p> <p>8 not published in 2008?</p> <p>9 A. What happens is, if they're on the</p> <p>10 calendar, I start assigning stories,</p> <p>11 recruiting writers, assigning stories and some</p> <p>12 of them were published either in community</p> <p>13 paper or in The Post, or not at all or killed.</p> <p>14 So, I did a lot of work that may not be</p> <p>15 reflected in the actual publication.</p> <p>16 The way that a newspaper works is</p> <p>17 every day, the size of the newspaper</p> <p>18 fluctuates depending on news. So, what I can</p> <p>19 tell you is that these were the ones that were</p> <p>20 published, but it doesn't reflect all of the</p> <p>21 work that I did.</p> <p>22 Q. Handing you Guzman Exhibit 31.</p> <p>23 (Defendant's Guzman Exhibit 31,</p> <p>24 document bearing Bates numbers NYP</p> <p>25 '2537 through '2607, marked for</p>
<p style="text-align: right;">Page 368</p> <p>1 SANDRA GUZMAN-10/13/11</p> <p>2 identification, as of this date.)</p> <p>3 Q. Which are Bates NYP '2537 through</p> <p>4 '2607.</p> <p>5 Are these the special sections</p> <p>6 other than Tempo that you edited in 2009?</p> <p>7 A. There may be. There's some</p> <p>8 missing.</p> <p>9 Q. What's missing?</p> <p>10 A. St. Patrick's Day may be missing.</p> <p>11 Q. Did St. Patrick's Day -- did the</p> <p>12 St. Patrick's Day section get published in</p> <p>13 2009?</p> <p>14 A. I believe so.</p> <p>15 Q. Were you the editor of it?</p> <p>16 A. Yes. The casino section, several</p> <p>17 casino sections. Real estate section.</p> <p>18 Q. Were you the editor of the casino</p> <p>19 section?</p> <p>20 A. Whenever Carole -- Carole had a</p> <p>21 death in the family. Her father was dying.</p> <p>22 And I was asked to edit and take over some of</p> <p>23 her sections.</p> <p>24 And real estate and casino was</p> <p>25 among them. And I also edited all the parade</p>	<p style="text-align: right;">Page 369</p> <p>1 SANDRA GUZMAN-10/13/11</p> <p>2 sections.</p> <p>3 So, I edited the Columbus and the</p> <p>4 St. Patrick's Day parade, which I believe --</p> <p>5 which I believe were published that year.</p> <p>6 Q. Well, Columbus Day is in October</p> <p>7 and you were terminated in September, right?</p> <p>8 A. Well, would have edited, yes.</p> <p>9 Q. It would have been published after</p> <p>10 you were no longer an employee of The Post</p> <p>11 right?</p> <p>12 A. Right. So, I meant to the St.</p> <p>13 Patrick's Day parade, which would have been in</p> <p>14 March and I helped prepare the casino and the</p> <p>15 real estate and I helped prepare July 4th</p> <p>16 parade that are not reflected in the packet</p> <p>17 that you've given me.</p> <p>18 MR. LERNER: We're going to go off</p> <p>19 the record.</p> <p>20 THE VIDEOGRAPHER: The time is</p> <p>21 8:14 p.m. We're going offer the</p> <p>22 record.</p> <p>23 (Whereupon, an off-the-record</p> <p>24 discussion was held.)</p> <p>25 THE VIDEOGRAPHER: The time is</p>

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<p>1 Guzman</p> <p>2 THE VIDEOGRAPHER: Will the court</p> <p>3 reporter please swear in the witness?</p> <p>4 SANDRA GUZMAN, called as a witness by the</p> <p>5 Defendants, having been duly sworn,</p> <p>6 testified as follows:</p> <p>7 MR. THOMPSON: Let the record</p> <p>8 reflect that this deposition was</p> <p>9 scheduled to begin at 10:00 a.m.</p> <p>10 We did not start at 10:00 a.m.</p> <p>11 despite the fact that Ms. Guzman was</p> <p>12 sitting and ready to begin because of</p> <p>13 opposing counsel. This deposition is</p> <p>14 starting almost 20 minutes after the</p> <p>15 start date.</p> <p>16 MR. LERNER: The record will also</p> <p>17 reflect if you look it up that the FDR</p> <p>18 Drive has been closed for two to three</p> <p>19 hours this morning due to a tractor</p> <p>20 trailer getting on the southbound FDR</p> <p>21 and getting stuck and created</p> <p>22 significant traffic problems in the</p> <p>23 city. I come from the north to get to</p> <p>24 the deposition. To get to the office so</p> <p>25 I was delayed some minutes by that. And</p>	<p>1 Guzman</p> <p>2 that is the reason so I apologize,</p> <p>3 Mr. Thompson, but that is the reason for</p> <p>4 the delay.</p> <p>5 EXAMINATION</p> <p>6 BY MR. LERNER:</p> <p>7 Q. Ms. Guzman, you testified in</p> <p>8 October that Les Goodstein told you you</p> <p>9 looked sexy and beautiful in the office,</p> <p>10 right?</p> <p>11 Do you remember that?</p> <p>12 A. Yes.</p> <p>13 Q. Where did he tell you you looked</p> <p>14 sexy and beautiful?</p> <p>15 A. When I saw him in the elevator.</p> <p>16 When I saw him in the News Corp.</p> <p>17 cafeteria on the third floor.</p> <p>18 And when I met with him in his</p> <p>19 office on the fifth floor.</p> <p>20 And any chance and any moment that</p> <p>21 I bump into him randomly in the building, he</p> <p>22 would comment.</p> <p>23 Q. All right.</p> <p>24 When was the first time he told</p> <p>25 you that you looked sexy and beautiful?</p>
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<p>1 Guzman</p> <p>2 A. It was probably the second</p> <p>3 meeting. He commented --</p> <p>4 Q. Was that in his office?</p> <p>5 A. He commented on my dress and on my</p> <p>6 shoes and how beautiful I looked in them.</p> <p>7 Q. And what kind of dress, what was</p> <p>8 the dress you were wearing?</p> <p>9 A. Simple black dress.</p> <p>10 Q. What were your shoes?</p> <p>11 A. Black shoes.</p> <p>12 Q. And what was the location of that</p> <p>13 conversation?</p> <p>14 A. Elevator on the third floor.</p> <p>15 Q. And was that a chance meeting in</p> <p>16 the elevator or were the two of you going</p> <p>17 somewhere together?</p> <p>18 MR. THOMPSON: Objection.</p> <p>19 THE WITNESS: We were going to a</p> <p>20 meeting.</p> <p>21 BY MR. LERNER:</p> <p>22 Q. What meeting?</p> <p>23 A. A meeting that he called to</p> <p>24 discuss one of the sections that I worked</p> <p>25 on.</p>	<p>1 Guzman</p> <p>2 Q. And where were you going for that</p> <p>3 meeting?</p> <p>4 A. Third floor conference room.</p> <p>5 Q. Was Sami Marerro also in</p> <p>6 attendance at that meeting?</p> <p>7 A. Yes.</p> <p>8 Q. What about Tony Martinez?</p> <p>9 A. I don't remember if Tony was</p> <p>10 there.</p> <p>11 Q. And he told you that -- did he say</p> <p>12 that your dress looked -- what exactly was</p> <p>13 the word or words he used to describe your</p> <p>14 black dress on that occasion?</p> <p>15 A. You are looking beautiful and sexy</p> <p>16 today.</p> <p>17 Q. And was Ms. Marerro with the two</p> <p>18 of you in the elevator when he said that?</p> <p>19 A. No.</p> <p>20 Q. The two of you proceeded from the</p> <p>21 elevator to the third floor conference room</p> <p>22 and joined Ms. Marerro?</p> <p>23 A. Yes. We joined about 20 people</p> <p>24 from the sales staff.</p> <p>25 Q. And where did you get on the</p>

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<p>1 Guzman</p> <p>2 to give her respect. If you are not</p> <p>3 going to give her respect we are going</p> <p>4 to stop this deposition. You will not</p> <p>5 raise your voice to this witness.</p> <p>6 MR. LERNER: We will stop the</p> <p>7 deposition if you interfere with it. We</p> <p>8 have a video recorder here so the record</p> <p>9 does not require you to characterize</p> <p>10 what is going on in the room. My --</p> <p>11 MR. THOMPSON: I will state my</p> <p>12 position.</p> <p>13 MR. LERNER: Excuse me, I am not</p> <p>14 done.</p> <p>15 MR. THOMPSON: Any time you raise</p> <p>16 your voice to my client --</p> <p>17 MR. LERNER: I am not finished.</p> <p>18 MR. THOMPSON: That is a fact.</p> <p>19 MR. LERNER: I am not finished.</p> <p>20 MR. THOMPSON: Don't do that. It</p> <p>21 is --</p> <p>22 MR. LERNER: I will conduct the</p> <p>23 deposition in the tone of voice --</p> <p>24 MR. THOMPSON: Properly.</p> <p>25 MR. LERNER: I will conduct the</p>	<p>1 Guzman</p> <p>2 deposition.</p> <p>3 MR. THOMPSON: Not improperly.</p> <p>4 BY MR. LERNER:</p> <p>5 Q. Ms. Guzman, is there anything else</p> <p>6 that you recall specifically on the occasion</p> <p>7 of your second meeting with Mr. Goodstein</p> <p>8 when you were walking from the elevators on</p> <p>9 the third floor to a conference room that he</p> <p>10 did besides telling you your dress or you</p> <p>11 looked sexy and beautiful?</p> <p>12 A. He looked at me in a very</p> <p>13 lascivious way and he looked at me, checked</p> <p>14 me out up and down.</p> <p>15 Q. And how long did that take?</p> <p>16 MR. THOMPSON: Objection.</p> <p>17 THE WITNESS: It felt like an</p> <p>18 eternity.</p> <p>19 I am not going to work to be</p> <p>20 looked at lasciviously by somebody who</p> <p>21 is supervising sales of the section I</p> <p>22 worked for.</p> <p>23 BY MR. LERNER:</p> <p>24 Q. Did you say anything to him about</p> <p>25 it?</p>
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<p>1 Guzman</p> <p>2 A. No.</p> <p>3 Q. What was your response?</p> <p>4 A. Disgusted.</p> <p>5 Q. No. What was your verbal or</p> <p>6 physical response if any?</p> <p>7 A. I just ignored him and I walked to</p> <p>8 the conference room.</p> <p>9 Q. What was lascivious about his</p> <p>10 look?</p> <p>11 A. The way that he looked at me up</p> <p>12 and down as if he is checking someone who is</p> <p>13 naked, a woman is naked.</p> <p>14 Q. And what does that look like?</p> <p>15 A. As a woman?</p> <p>16 Q. No. What did it look like to you?</p> <p>17 A. As a woman -- I am going to</p> <p>18 describe it, sir. As a woman you know it</p> <p>19 when you see it.</p> <p>20 Q. Well, explain for the jury which</p> <p>21 will be composed of potentially men and</p> <p>22 women how that appears or what it actually</p> <p>23 consists of?</p> <p>24 A. So he is slowly taking a look from</p> <p>25 head to toe at my body as if he is observing</p>	<p>1 Guzman</p> <p>2 someone who is naked. A woman is naked.</p> <p>3 Q. But his comment to you was on your</p> <p>4 dress, right?</p> <p>5 A. I was wearing the dress. It is</p> <p>6 how the dress looked on me.</p> <p>7 Q. And he commented on the dress,</p> <p>8 right?</p> <p>9 A. On how the dress looked on me.</p> <p>10 Q. Did he make a comment about your</p> <p>11 body?</p> <p>12 A. You look beautiful and sexy in</p> <p>13 that dress.</p> <p>14 Q. And when you walked from the</p> <p>15 elevator area to the conference room was</p> <p>16 there anything that occurred during that</p> <p>17 walk that you considered objectionable or</p> <p>18 lascivious that you can recall?</p> <p>19 A. No. But I remember that I walked</p> <p>20 in back of him so that he would not look at</p> <p>21 me as he walked, I walked behind him. I</p> <p>22 remember that. I purposefully slowed down</p> <p>23 my steps so that he can be in front of me.</p> <p>24 Q. Is there anything else that you</p> <p>25 recall about your encounter with</p>

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<p>1 Guzman</p> <p>2 Mr. Goodstein outside the elevators on the</p> <p>3 third floor on that occasion that is</p> <p>4 relevant to your claim?</p> <p>5 A. I felt harassed and I felt</p> <p>6 disgusted that this happened. That is what</p> <p>7 I recall. I recall feeling this is not</p> <p>8 right. This is wrong. I don't come to work</p> <p>9 to be gawked at.</p> <p>10 Q. When was the next time that you</p> <p>11 experienced anything from Mr. Goodstein that</p> <p>12 you regard as harassing?</p> <p>13 A. Put it this way, I would see</p> <p>14 Mr. Goodstein in the News Corp. cafeteria on</p> <p>15 the third floor. I would see him in the</p> <p>16 elevator banks in the lobby and every time</p> <p>17 I -- during meetings and every time we had</p> <p>18 an encounter Mr. Goodstein had to comment on</p> <p>19 something that I was wearing on how I looked</p> <p>20 in my shoes or in my dress.</p> <p>21 Q. I am asking you when specifically</p> <p>22 you recall was the next time that</p> <p>23 Mr. Goodstein commented?</p> <p>24 A. So I met with him on his fourth</p> <p>25 floor office.</p>	<p>1 Guzman</p> <p>2 Q. Okay. You testified last time we</p> <p>3 were in a deposition together that</p> <p>4 Ms. Marerro was in those meetings with you</p> <p>5 and Mr. Goodstein?</p> <p>6 A. Most of the time, yes, Ms. Marerro</p> <p>7 was present.</p> <p>8 Q. You testified that she was always</p> <p>9 with you in those meetings and that</p> <p>10 sometimes Mr. Martinez was with you?</p> <p>11 A. Well, Ms. Marerro stopped working</p> <p>12 for The New York Post so the times -- there</p> <p>13 were times that I met with Ms. Goodstein</p> <p>14 that Ms. Marerro was not present or</p> <p>15 Mr. Martinez because they both stopped --</p> <p>16 they were both laid off.</p> <p>17 Q. And how many times did that occur?</p> <p>18 MR. THOMPSON: Objection.</p> <p>19 THE WITNESS: How many times? I</p> <p>20 am sorry.</p> <p>21 BY MR. LERNER:</p> <p>22 Q. How many times did you meet with</p> <p>23 Mr. Goods without the presence of</p> <p>24 Ms. Marerro?</p> <p>25 A. On numerous occasions.</p>
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<p>1 Guzman</p> <p>2 Q. How many?</p> <p>3 A. I can't give you a number but</p> <p>4 numerous occasions.</p> <p>5 Q. Where?</p> <p>6 A. Mostly his fourth floor office.</p> <p>7 Fourth or fifth floor office. Maybe fifth</p> <p>8 floor, yes, where News America marketing is</p> <p>9 located.</p> <p>10 Q. Again, I would like to know when</p> <p>11 the second time you felt harassed by</p> <p>12 Mr. Goodstein was with specific</p> <p>13 recollections if you have them. If you</p> <p>14 don't have them answer I don't remember.</p> <p>15 A. I don't remember the second time</p> <p>16 but I remember the numerous occasions when</p> <p>17 we would randomly bump into each other in</p> <p>18 meetings and I remember there was one</p> <p>19 meeting where as soon as I walked in he</p> <p>20 chose to comment on the shoes again that I</p> <p>21 was wearing.</p> <p>22 Q. Did you ask him not to comment on</p> <p>23 your shoes?</p> <p>24 A. No.</p> <p>25 Q. Is that the occasion when you</p>	<p>1 Guzman</p> <p>2 said, when you offered to let him borrow</p> <p>3 them as a joke?</p> <p>4 A. Yes.</p> <p>5 Q. Why was the comment on your shoes</p> <p>6 offensive?</p> <p>7 A. I think if I were a white male he</p> <p>8 would not be commenting on the way I</p> <p>9 dressed.</p> <p>10 I think that he meant to objectify</p> <p>11 me as a sexual object and I found that</p> <p>12 offensive.</p> <p>13 Q. Anything else?</p> <p>14 A. I found his conduct inappropriate,</p> <p>15 Mark.</p> <p>16 Q. Is there anything else about his</p> <p>17 commenting on your shoes -- what was</p> <p>18 specifically did he say about your shoes?</p> <p>19 A. Sexy shoes.</p> <p>20 Q. Were they sexy shoes?</p> <p>21 MR. THOMPSON: Wait. She wasn't</p> <p>22 finished.</p> <p>23 THE WITNESS: Sexy shoes. He</p> <p>24 wouldn't even refer to me by my first</p> <p>25 name or by my last name.</p>

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<p>1 Guzman</p> <p>2 BY MR. LERNER:</p> <p>3 Q. Were they sexy shoes?</p> <p>4 A. No.</p> <p>5 Q. Describe the shoes?</p> <p>6 A. Black shoes, black pumps.</p> <p>7 Q. Back pumps. Pumps means high</p> <p>8 heels?</p> <p>9 A. Black high heels, yes.</p> <p>10 Q. It is your testimony that those</p> <p>11 are not sexy shoes?</p> <p>12 A. No. They are black.</p> <p>13 Q. They are black pumps?</p> <p>14 A. High heels, yes.</p> <p>15 Q. What did you like about those</p> <p>16 shoes?</p> <p>17 A. They were comfortable.</p> <p>18 Q. Did you like the fact that they</p> <p>19 were high heels?</p> <p>20 MR. THOMPSON: Objection.</p> <p>21 THE WITNESS: I liked them.</p> <p>22 BY MR. LERNER:</p> <p>23 Q. Did anyone else ever comment on</p> <p>24 those shoes?</p> <p>25 A. Not that I can recall right now.</p>	<p>1 Guzman</p> <p>2 Q. Do you still own those shoes?</p> <p>3 A. Yes.</p> <p>4 Q. Who were they manufactured by?</p> <p>5 MR. THOMPSON: Objection.</p> <p>6 THE WITNESS: YSL.</p> <p>7 BY MR. LERNER:</p> <p>8 Q. If you recall any other specific</p> <p>9 occasions during which Mr. Goodstein made</p> <p>10 what you regard as harassing comments about</p> <p>11 your appearance can you please describe them</p> <p>12 specifically now?</p> <p>13 A. So there was another occasion when</p> <p>14 again we were meeting in his office and as I</p> <p>15 was walking in instead of greeting me with</p> <p>16 my name he called me Cha-Cha.</p> <p>17 Q. Okay. We discussed this incident</p> <p>18 the last time you were deposed, correct?</p> <p>19 A. Yes.</p> <p>20 Q. And he stopped doing that when you</p> <p>21 let him know you didn't appreciate it,</p> <p>22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. And how did you let him know that?</p> <p>25 A. Don't call me that.</p>
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<p>1 Guzman</p> <p>2 Q. How did he respond when you said</p> <p>3 don't call me that?</p> <p>4 A. He was confused.</p> <p>5 Q. But he stopped calling you that,</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. And with respect to him calling</p> <p>9 you sexy and beautiful you never said don't</p> <p>10 call me sexy and beautiful, correct?</p> <p>11 A. No.</p> <p>12 Q. No, you did not say that?</p> <p>13 A. No. I did not. I would ignore</p> <p>14 him.</p> <p>15 Q. Mr. Goodstein's office was on the</p> <p>16 fifth floor of the building at 1211 Avenue</p> <p>17 of the Americas, right?</p> <p>18 A. Yes.</p> <p>19 Q. What was offensive about the term</p> <p>20 Cha-Cha to you?</p> <p>21 A. First of all, I have a name.</p> <p>22 Second of all, there is a</p> <p>23 stereotype that all Latin women are, you</p> <p>24 know, hot and dancers and Cha-Cha is</p> <p>25 referring to a dance move on a dance floor.</p>	<p>1 Guzman</p> <p>2 Why couldn't he call me by my</p> <p>3 name?</p> <p>4 Q. Did you ever write about somebody</p> <p>5 who Tempo referred to in a headline as</p> <p>6 Cha-Cha Willie?</p> <p>7 A. Are you looking at something that</p> <p>8 maybe I should review?</p> <p>9 Q. I am looking at an -- a page from</p> <p>10 Tempo from 2007 with a headline Cha-Cha</p> <p>11 Willie, is that a headline that I approved</p> <p>12 for Tempo?</p> <p>13 A. Can I see it?</p> <p>14 Q. No.</p> <p>15 A. I can't?</p> <p>16 Q. There is a question pending. Did</p> <p>17 you approve a headline Cha-Cha Willie for</p> <p>18 Tempo regarding someone named Willie Perry?</p> <p>19 A. Can you read some more so that I</p> <p>20 can -- can you refresh my memory?</p> <p>21 Q. Have you ever heard of Willie</p> <p>22 Perry?</p> <p>23 A. I can't recall right now.</p> <p>24 Q. Do you know who Willie Perry is?</p> <p>25 A. I have interviewed and I have</p>

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<p>1 Guzman</p> <p>2 edited hundreds and hundreds and hundreds of</p> <p>3 pages throughout my career.</p> <p>4 Q. Did you review all of the pages of</p> <p>5 Tempo before it was published?</p> <p>6 A. Yes.</p> <p>7 Q. Each month?</p> <p>8 A. Yes.</p> <p>9 Q. So a headline in Tempo would be</p> <p>10 reviewed by you before it would be</p> <p>11 published, right?</p> <p>12 A. Yes, yes.</p> <p>13 Q. So if a headline ran Cha-Cha</p> <p>14 Willie then you reviewed it before it ran?</p> <p>15 A. Yes. And actually that is not</p> <p>16 Tempo. That is the Black History Month</p> <p>17 section.</p> <p>18 Q. Is it a section that you edited?</p> <p>19 A. Yes.</p> <p>20 Q. So same question. If it is a</p> <p>21 section you edited did you review the</p> <p>22 mockups before they were printed?</p> <p>23 A. Yes.</p> <p>24 Q. And approved the headlines?</p> <p>25 A. Yes.</p>	<p>1 Guzman</p> <p>2 MR. LERNER: Let's mark it.</p> <p>3 (Page from the Harlem Week section</p> <p>4 was marked Guzman Exhibit 32 for</p> <p>5 identification)</p> <p>6 BY MR. LERNER:</p> <p>7 Q. Is Exhibit 32 a page from Harlem</p> <p>8 Week section that you edited?</p> <p>9 A. Yes.</p> <p>10 Q. And you approved the headline,</p> <p>11 Cha-Cha Willie?</p> <p>12 A. Yes.</p> <p>13 Q. Did you write that headline?</p> <p>14 A. That is his name. No. My copy</p> <p>15 editor did.</p> <p>16 Q. His name is Cha-Cha Willie?</p> <p>17 A. That is his nickname.</p> <p>18 Q. Did you interview him?</p> <p>19 A. No.</p> <p>20 Q. Do you know who did?</p> <p>21 A. Georgette Roberts.</p> <p>22 Q. Georgette Roberts is a reporter at</p> <p>23 The Post?</p> <p>24 A. Part time. She is a freelancer.</p> <p>25 Q. She is an African American</p>
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<p>1 Guzman</p> <p>2 employee of The Post?</p> <p>3 A. Yes.</p> <p>4 Q. Do you regard this story or the</p> <p>5 headline as offensive?</p> <p>6 A. No.</p> <p>7 Q. Were you ever on the fifth floor</p> <p>8 of the New York -- withdrawn.</p> <p>9 Were you ever on the fifth floor</p> <p>10 of 1211 Avenue of the Americas for a reason</p> <p>11 other than meeting with Mr. Goodstein?</p> <p>12 A. Yes.</p> <p>13 Q. How many times other than for a</p> <p>14 meeting with Mr. Goodstein?</p> <p>15 A. Several times.</p> <p>16 Q. How many is "several"?</p> <p>17 A. About a dozen times.</p> <p>18 Q. Do you have a specific</p> <p>19 recollection of being on the floor?</p> <p>20 A. Yes.</p> <p>21 Q. For what reasons?</p> <p>22 A. I was asked to help edit and think</p> <p>23 about the content for a series of community</p> <p>24 newspapers that News Corp. purchased,</p> <p>25 Brooklyn and Queens Courier, there were</p>	<p>1 Guzman</p> <p>2 dozens of newspapers that Rupert Murdoch</p> <p>3 purchased and I was asked to think about</p> <p>4 content for them.</p> <p>5 I was being considered as -- we</p> <p>6 were exploring the potential of starting a</p> <p>7 Queens section and the person in charge of</p> <p>8 the community papers was Mr. Goodstein and</p> <p>9 his deputy, I can't recall her name, Kylie</p> <p>10 or something, I can't recall her name, his</p> <p>11 deputy was charged with supervising these</p> <p>12 papers and so we would meet on the fifth</p> <p>13 floor to talk about content. And stories</p> <p>14 and how we could, what was the word we used,</p> <p>15 just cross-pollinate the content that I was</p> <p>16 creating for The Post and vice versa.</p> <p>17 Q. Mr. Goodstein was not in these</p> <p>18 meetings, correct?</p> <p>19 A. On some of them he was not.</p> <p>20 Q. You never testified before that</p> <p>21 Mr. Goodstein was in meetings with you about</p> <p>22 the community newspapers.</p> <p>23 A. You didn't ask me.</p> <p>24 Q. Do you have a recollection of</p> <p>25 that?</p>

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<p>1 Guzman</p> <p>2 A. Yes.</p> <p>3 Q. When you bumped into him in the</p> <p>4 cafeteria or in the elevators or in the</p> <p>5 hallways how long did these meetings or</p> <p>6 encounters last?</p> <p>7 A. Anywhere -- I don't know.</p> <p>8 Anywhere from hello, how are you, five</p> <p>9 minutes, they seemed longer because they</p> <p>10 were always really uncomfortable.</p> <p>11 Q. And these were in -- these</p> <p>12 encounters were in public areas in the</p> <p>13 building, right?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And you were free to walk away or</p> <p>16 keep going where you were going during these</p> <p>17 meetings, right?</p> <p>18 A. I am not really sure what you are</p> <p>19 asking me.</p> <p>20 Q. Well, if you stood around to talk</p> <p>21 to Mr. Goodstein for any length of time that</p> <p>22 was of your own free will, correct?</p> <p>23 A. Well, he was supervising the sales</p> <p>24 of sections that I was working on.</p> <p>25 Q. He wasn't your supervisor,</p>	<p>1 Guzman</p> <p>2 correct?</p> <p>3 A. He was not my supervisor but he</p> <p>4 was supervising the sales so we worked in</p> <p>5 the -- with the same projects, we worked on</p> <p>6 the same projects. So he wasn't a total</p> <p>7 stranger to me, I would greet him and that</p> <p>8 is when he took the opportunity to say</p> <p>9 inappropriate comments.</p> <p>10 Q. Specifically the inappropriate</p> <p>11 comments were sexy and beautiful?</p> <p>12 A. Mark, he would always comment on</p> <p>13 my appearance. He would always comment on</p> <p>14 the dresses that I wore or the shoes that I</p> <p>15 wore and he would always gawk.</p> <p>16 Q. And the comments were to use the</p> <p>17 terms either sexy or beautiful?</p> <p>18 MR. THOMPSON: Objection.</p> <p>19 BY MR. LERNER:</p> <p>20 Q. Correct?</p> <p>21 A. Yes.</p> <p>22 Q. Were these being -- these meetings</p> <p>23 where you would be standing up during the</p> <p>24 meeting speaking to him?</p> <p>25 MR. THOMPSON: Objection.</p>
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<p>1 Guzman</p> <p>2 THE WITNESS: The meetings by the</p> <p>3 elevator banks, the random meetings --</p> <p>4 BY MR. LERNER:</p> <p>5 Q. Correct.</p> <p>6 A. -- in the News Corp. cafeteria?</p> <p>7 Q. Yes.</p> <p>8 A. I would be usually going</p> <p>9 somewhere.</p> <p>10 The meetings in his office, I</p> <p>11 would be sitting down.</p> <p>12 Q. There came a time in 2007 when he</p> <p>13 stopped being involved in Tempo, right?</p> <p>14 A. Yes.</p> <p>15 Q. How many of these encounters with</p> <p>16 Mr. Goodstein on the premises of the 1211</p> <p>17 Avenue of the Americas occurred after he</p> <p>18 stopped being involved in Tempo?</p> <p>19 A. I also told you that we continued</p> <p>20 to meet after because of his involvement</p> <p>21 with the Brooklyn and community papers,</p> <p>22 okay.</p> <p>23 Q. How many times did you meet with</p> <p>24 Mr. Goodstein on the Brooklyn and community</p> <p>25 papers after he was no longer involved with</p>	<p>1 Guzman</p> <p>2 Tempo?</p> <p>3 A. Numerous times.</p> <p>4 Q. How many?</p> <p>5 A. I would say two dozen times.</p> <p>6 Maybe more.</p> <p>7 Q. Where were those meetings?</p> <p>8 A. His office, at News Corp. office</p> <p>9 on the fifth floor, News America offices.</p> <p>10 Q. And who was in those meetings, you</p> <p>11 and his deputy?</p> <p>12 A. Yes. Sometimes there were two</p> <p>13 deputies and sometimes one deputy.</p> <p>14 Q. And who were the names -- what</p> <p>15 were the names of the two deputies?</p> <p>16 A. I cannot recall the names.</p> <p>17 Q. Were they male or female?</p> <p>18 A. One of them was a female and her</p> <p>19 name starts with a K, K something. And I</p> <p>20 believe that she went on maternity leave and</p> <p>21 then another staffer took over her</p> <p>22 responsibilities but I can't recall his</p> <p>23 name.</p> <p>24 Q. Did the two deputies ever say</p> <p>25 anything to you that you considered</p>

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<p>1 Guzman</p> <p>2 harassing or abusive?</p> <p>3 A. No, sir.</p> <p>4 Q. And did you ever say anything to</p> <p>5 them about Mr. Goodstein's conduct?</p> <p>6 A. No, sir.</p> <p>7 Q. Were they ever present during</p> <p>8 Mr. Goodstein engaging in conduct that you</p> <p>9 considered offensive?</p> <p>10 A. No.</p> <p>11 Q. Did you ever tell them about it?</p> <p>12 A. The two deputies?</p> <p>13 Q. Yes.</p> <p>14 A. About Mr. Goodstein's --</p> <p>15 Q. Yes.</p> <p>16 A. -- inappropriate behavior? No.</p> <p>17 I told other people. I complained</p> <p>18 to other people.</p> <p>19 Q. My question was did you tell them</p> <p>20 about it.</p> <p>21 A. Okay.</p> <p>22 Q. During what period of time did you</p> <p>23 have meetings with Mr. Goodstein about the</p> <p>24 community newspapers?</p> <p>25 MR. THOMPSON: Objection.</p>	<p>1 Guzman</p> <p>2 THE WITNESS: During what period</p> <p>3 of time? When the newspapers were first</p> <p>4 initially purchased, there were a lot of</p> <p>5 discussion about what to do with them,</p> <p>6 how to integrate them into The New York</p> <p>7 Post properties. There were News Corp.</p> <p>8 properties and so we were trying to</p> <p>9 figure out what their role was going to</p> <p>10 be.</p> <p>11 BY MR. LERNER:</p> <p>12 Q. Did Mr. Goodstein ever trap you in</p> <p>13 a room?</p> <p>14 A. Trap me in a room?</p> <p>15 Q. Yes.</p> <p>16 A. No.</p> <p>17 Q. Did he ever -- did he ever touch</p> <p>18 you?</p> <p>19 MR. THOMPSON: Objection.</p> <p>20 BY MR. LERNER:</p> <p>21 Q. In an offensive way?</p> <p>22 A. No.</p> <p>23 Q. Did he ever ask you out on a date?</p> <p>24 A. No.</p> <p>25 Q. Did he ever mention sex acts with</p>
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<p>1 Guzman</p> <p>2 you?</p> <p>3 A. No.</p> <p>4 Q. Did he ever comment specifically</p> <p>5 by using the word breasts?</p> <p>6 A. No.</p> <p>7 Q. Did he ever use the word ass with</p> <p>8 you to comment about your body?</p> <p>9 A. No.</p> <p>10 Q. Did he ever refer to your legs</p> <p>11 specifically?</p> <p>12 A. I don't recall. He may have.</p> <p>13 Q. You don't recall, right?</p> <p>14 A. I don't recall specifically.</p> <p>15 Q. Okay. Were there times that you</p> <p>16 were with Mr. Goodstein that he spoke to you</p> <p>17 in a professional way discussing the</p> <p>18 business you were doing?</p> <p>19 A. Yes.</p> <p>20 Q. Did he look you in the eye when he</p> <p>21 spoke to you?</p> <p>22 A. No.</p> <p>23 Q. Never?</p> <p>24 A. Very few times. That was part of</p> <p>25 the problem. He was always looking at my</p>	<p>1 Guzman</p> <p>2 body, at my breasts, at my legs, at my</p> <p>3 shoes. That was the inappropriate behavior</p> <p>4 I was trying to describe.</p> <p>5 Q. Did you ever ask him to make more</p> <p>6 eye contact with you?</p> <p>7 A. No.</p> <p>8 Q. Did you ever tape record any</p> <p>9 meetings with Mr. Goodstein?</p> <p>10 A. No.</p> <p>11 Q. Did you ever write down notes</p> <p>12 about Mr. Goodstein after your meetings?</p> <p>13 A. I don't remember if I wrote down</p> <p>14 notes about his behavior.</p> <p>15 Q. And you never told him that you</p> <p>16 didn't like the way he was looking at you,</p> <p>17 correct?</p> <p>18 A. No, Mark.</p> <p>19 Q. Did he ever prevent you from</p> <p>20 publishing Tempo? That sounds like an odd</p> <p>21 question but --</p> <p>22 A. Yes, it is. I don't understand</p> <p>23 what you are trying to ask me.</p> <p>24 Q. He never stood in the way of</p> <p>25 getting Tempo out, right?</p>

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<p>1 Guzman</p> <p>2 A. I don't know.</p> <p>3 Q. He was -- your understanding is he</p> <p>4 facilitated Tempo, right?</p> <p>5 A. My understanding is that he was a</p> <p>6 fan of the work that Tempo and my team were</p> <p>7 doing.</p> <p>8 Q. You don't have any reason to doubt</p> <p>9 that, correct?</p> <p>10 A. No.</p> <p>11 Q. So during the time you were</p> <p>12 working with Mr. Goodstein you continued to</p> <p>13 focus your efforts on getting Tempo out,</p> <p>14 getting any other sections you were working</p> <p>15 on out and doing a good job, correct?</p> <p>16 A. Can you repeat the question?</p> <p>17 Q. Sure.</p> <p>18 During the time you were working</p> <p>19 with Mr. Goodstein you continued to focus</p> <p>20 your efforts on getting Tempo out, getting</p> <p>21 any other sections you were working out and</p> <p>22 doing a good job, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And you did a good job, right?</p> <p>25 A. Yes.</p>	<p>1 Guzman</p> <p>2 Q. And did you think that your</p> <p>3 performance was good during this time</p> <p>4 period?</p> <p>5 A. Notwithstanding the conditions</p> <p>6 that I had to work under, yes.</p> <p>7 Q. You produced the section that you</p> <p>8 wanted to produce, right?</p> <p>9 A. To the best of my ability. I</p> <p>10 ignored all the other harassment that I was</p> <p>11 experiencing.</p> <p>12 Q. And you were able to do your job,</p> <p>13 right?</p> <p>14 A. I did my job to the best of my</p> <p>15 ability.</p> <p>16 Q. You were able to do your job well,</p> <p>17 right?</p> <p>18 A. Yes.</p> <p>19 Q. You produced an excellent section,</p> <p>20 right?</p> <p>21 A. Yes. But that didn't mean that I</p> <p>22 was not affected by his lewd behavior.</p> <p>23 Q. My question is your work did not</p> <p>24 suffer for it, right?</p> <p>25 A. No.</p>
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<p>1 Guzman</p> <p>2 Q. No, it did not suffer for it,</p> <p>3 right?</p> <p>4 MR. THOMPSON: Objection. She</p> <p>5 just answered that question.</p> <p>6 THE WITNESS: No.</p> <p>7 BY MR. LERNER:</p> <p>8 Q. You have actually described</p> <p>9 yourself as sexy and beautiful, have you</p> <p>10 not?</p> <p>11 A. I may have.</p> <p>12 Q. Do you recall writing a list of</p> <p>13 words to describe yourself and including</p> <p>14 sexy and beautiful on that list?</p> <p>15 A. No.</p> <p>16 Q. Who is Sol, S-O-L?</p> <p>17 A. Sol is a friend of mine.</p> <p>18 Q. Do you remember writing a list of</p> <p>19 words to describe Sol and writing a list of</p> <p>20 words to describe yourself and comparing the</p> <p>21 two?</p> <p>22 A. No.</p> <p>23 Q. I am going to show you a document,</p> <p>24 showing you a document marked Guzman Exhibit</p> <p>25 33.</p>	<p>1 Guzman</p> <p>2 (Handwritten list was marked</p> <p>3 Guzman Exhibit 33 for identification)</p> <p>4 BY MR. LERNER:</p> <p>5 Q. Ms. Guzman, is this a piece of</p> <p>6 paper where you wrote down lists of</p> <p>7 adjectives to describe Sol and yourself?</p> <p>8 A. Yes.</p> <p>9 Q. Sol is the column on the left and</p> <p>10 you are the column on the right?</p> <p>11 A. Yes.</p> <p>12 Q. And who -- is Sol somebody you</p> <p>13 were involved with?</p> <p>14 A. Involved with?</p> <p>15 Q. Yes.</p> <p>16 A. How do you mean?</p> <p>17 Q. Were you ever romantically</p> <p>18 involved with Sol?</p> <p>19 A. No.</p> <p>20 Q. What is Sol's last name?</p> <p>21 A. Rivera.</p> <p>22 Q. Were you involved in any business</p> <p>23 dealings with Sol?</p> <p>24 A. Yes.</p> <p>25 Q. What were those dealings?</p>

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<p>1 Guzman</p> <p>2 A. She told me other things that I</p> <p>3 didn't print.</p> <p>4 Q. Did you ask her why she didn't</p> <p>5 want you to print those other things?</p> <p>6 A. Yes.</p> <p>7 Q. What did she tell you?</p> <p>8 A. She didn't want to get involved in</p> <p>9 offending her friends on Broadway.</p> <p>10 Q. Did you ever publish your own</p> <p>11 critique of West Side Story?</p> <p>12 A. I don't remember if it was</p> <p>13 published. I wanted to.</p> <p>14 Q. Have you ever published material</p> <p>15 that was critical of West Side Story?</p> <p>16 A. I don't remember.</p> <p>17 Q. Did Mr. Riedel contact West Side</p> <p>18 Story's casting director for your friend?</p> <p>19 A. I don't know.</p> <p>20 Q. Did he ever get back to you with</p> <p>21 the information that you requested about the</p> <p>22 casting director?</p> <p>23 A. I don't remember.</p> <p>24 Q. So with respect to Mr. Riedel</p> <p>25 singing I want to live in America, I like it</p>	<p>1 Guzman</p> <p>2 here in America to you in a Spanish accent</p> <p>3 was the first thing he did that offended</p> <p>4 you, correct?</p> <p>5 A. Yes.</p> <p>6 Q. And Ms. Guzman, it was also the</p> <p>7 last thing he did that offended you,</p> <p>8 correct?</p> <p>9 A. It was the only thing he -- the</p> <p>10 only thing he did every time we encountered</p> <p>11 each other.</p> <p>12 Q. It was the only thing that he did</p> <p>13 that offended you, right?</p> <p>14 A. Yes.</p> <p>15 Q. You never asked him to stop</p> <p>16 singing it, right?</p> <p>17 A. Just ignored him.</p> <p>18 Q. Did you discuss the musical with</p> <p>19 him?</p> <p>20 A. I may have.</p> <p>21 Q. Were you interested in his help in</p> <p>22 your coverage of the musical for Tempo?</p> <p>23 A. Yes.</p> <p>24 Q. And as the revival was being</p> <p>25 produced before it opened did you have</p>
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<p>1 Guzman</p> <p>2 conversations with him in your office about</p> <p>3 how you might cover the revival?</p> <p>4 A. Not really. I had pretty much an</p> <p>5 idea of how I wanted to do it. I didn't</p> <p>6 need Michael's help in that regard in how I</p> <p>7 wanted to cover it.</p> <p>8 Q. Didn't you ask him if he could put</p> <p>9 you in touch with the producer of it?</p> <p>10 A. I may have asked him.</p> <p>11 Q. And so that would be asking his</p> <p>12 help for coverage, right?</p> <p>13 A. Yes.</p> <p>14 Q. So you did ask him for help?</p> <p>15 A. But how to cover it is very</p> <p>16 different. How to approach the story is</p> <p>17 very different.</p> <p>18 Q. Mr. Riedel has extensive contacts</p> <p>19 on Broadway, agreed?</p> <p>20 A. Agreed.</p> <p>21 Q. And if you are going to write a</p> <p>22 story about West Side Story's being produced</p> <p>23 on Broadway Mr. Riedel's contacts could be</p> <p>24 valuable to you, correct?</p> <p>25 A. Sometimes. He is also very much</p>	<p>1 Guzman</p> <p>2 hated on Broadway so.</p> <p>3 Q. But his contacts could be valuable</p> <p>4 to you?</p> <p>5 A. Potentially could be or not.</p> <p>6 Q. And you sought that out from him,</p> <p>7 right?</p> <p>8 A. I sought that out from him, yes.</p> <p>9 Q. Okay. And you spoke to him about</p> <p>10 it in the office, right?</p> <p>11 A. Yes.</p> <p>12 Q. Ms. Guzman, you have been writing</p> <p>13 a book about The New York Post and your</p> <p>14 experiences there, correct?</p> <p>15 A. I am trying to write -- I have</p> <p>16 been trying to work on a book about my</p> <p>17 experiences at The Post.</p> <p>18 Q. About its senior editors?</p> <p>19 A. About my experiences at The Post,</p> <p>20 all of them.</p> <p>21 Q. You have written multiple chapters</p> <p>22 of that book, have you not?</p> <p>23 A. No. There are sketches.</p> <p>24 Q. You are writing it on the computer</p> <p>25 that you have now, right?</p>

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<p>1 Guzman</p> <p>2 tale of my life as I remember it as I dream</p> <p>3 it."</p> <p>4 Is it correct that this story is</p> <p>5 an honest tale of your life as you remember</p> <p>6 it?</p> <p>7 A. What story?</p> <p>8 Q. The story in this document.</p> <p>9 A. These are supposed to be separate</p> <p>10 files and I am not sure why they are in all</p> <p>11 one file. So this graph here.</p> <p>12 Q. This was one file called dirt</p> <p>13 eater.doc.</p> <p>14 A. Yes.</p> <p>15 Q. And your counsel produced the</p> <p>16 metadata for this file?</p> <p>17 A. Yes.</p> <p>18 Q. Which said that it was created on</p> <p>19 February 15, 2008?</p> <p>20 A. Yes.</p> <p>21 Q. Is that consistent with your</p> <p>22 recollection of when you wrote this?</p> <p>23 A. Yes.</p> <p>24 Q. Why did you start writing this on</p> <p>25 February 15, 2008?</p>	<p>1 Guzman</p> <p>2 A. I have been -- I am a writer and I</p> <p>3 am always taking notes. I am always</p> <p>4 thinking of book ideas and I am trying to</p> <p>5 write fiction so trying to cultivate that so</p> <p>6 I also thought about writing my early</p> <p>7 childhood memoirs and so the working title</p> <p>8 of my memoir is Dirt Eater.</p> <p>9 Q. On the first two pages of this you</p> <p>10 describe several incidents centering around</p> <p>11 Langan's, the bar. You talk about being</p> <p>12 together with your female co-workers talking</p> <p>13 at the bar, you talk about a story that Col</p> <p>14 Allan told about a Steve Dunleavy and you</p> <p>15 talk about seeing a picture on a BlackBerry.</p> <p>16 Did all of those things happen on</p> <p>17 the same night or is this a compilation of</p> <p>18 incidents from different nights?</p> <p>19 A. The first two pages is a summary</p> <p>20 of what happened at Langan's on the night</p> <p>21 that my boss, the editor of The New York</p> <p>22 Post, harassed me sexually.</p> <p>23 Q. So this is a narrative of one</p> <p>24 night?</p> <p>25 A. It is a summary, yes.</p>
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<p>1 Guzman</p> <p>2 Q. And is it an accurate summary?</p> <p>3 A. It is factual.</p> <p>4 Q. It -- what does that mean "It is</p> <p>5 factual"?</p> <p>6 A. Everything that I have here</p> <p>7 happened in the first two pages of this</p> <p>8 document.</p> <p>9 Q. Okay. The "I" in the first two</p> <p>10 pages is you Sandra Guzman?</p> <p>11 A. Yes. This is -- these are three</p> <p>12 different -- yes.</p> <p>13 Q. Okay. So the night started out</p> <p>14 with you with three of your female New York</p> <p>15 Post co-workers drinking beer and talking at</p> <p>16 the bar, right?</p> <p>17 A. What night?</p> <p>18 Q. The night described in the first</p> <p>19 two pages of Guzman Exhibit 34.</p> <p>20 A. Yes.</p> <p>21 Q. And you wrote in the third line,</p> <p>22 "There were four of us all females talking</p> <p>23 industry lingo who fucked who, who got a</p> <p>24 good story."</p> <p>25 Do you see that?</p>	<p>1 Guzman</p> <p>2 A. Yes.</p> <p>3 Q. And what did you mean by "who</p> <p>4 fucked who"?</p> <p>5 A. The girls and I talked about our</p> <p>6 relationships, we talked about our</p> <p>7 boyfriends.</p> <p>8 Q. What did you mean by "industry</p> <p>9 lingo"?</p> <p>10 A. We talked about who is working</p> <p>11 where, what stories each of us were working</p> <p>12 on, what was happening at -- industry wide,</p> <p>13 what stories we wanted to get.</p> <p>14 Q. And it says you were on your</p> <p>15 second drink when Col Allan walked in?</p> <p>16 A. We had just ordered our second</p> <p>17 drink.</p> <p>18 Q. It doesn't say you just ordered</p> <p>19 your second drink. It says, "We were all on</p> <p>20 our second drink."</p> <p>21 A. Well, I am telling you that this</p> <p>22 is a summary.</p> <p>23 Q. Okay.</p> <p>24 A. So --</p> <p>25 Q. All right.</p>

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<p>1 Guzman</p> <p>2 So your memory is that you had</p> <p>3 just ordered your second drink?</p> <p>4 A. We had just ordered our second</p> <p>5 drink.</p> <p>6 Q. And your memory today four years</p> <p>7 after this happened is clearer than it was</p> <p>8 when you wrote this?</p> <p>9 MR. THOMPSON: Objection.</p> <p>10 THE WITNESS: This was a pretty --</p> <p>11 this is a pretty -- this highlight of my</p> <p>12 days at the New York Post. I remember</p> <p>13 this.</p> <p>14 BY MR. LERNER:</p> <p>15 Q. So it is -- is it factual or not,</p> <p>16 Ms. Guzman?</p> <p>17 A. The first two pages of the</p> <p>18 document we are talking about are facts.</p> <p>19 Q. They are completely factual?</p> <p>20 A. Yes.</p> <p>21 Q. You said, "Normally Col would skip</p> <p>22 by and make a beeline to the men who were at</p> <p>23 the bar," right?</p> <p>24 A. Yes.</p> <p>25 Q. Or at least he would always skip</p>	<p>1 Guzman</p> <p>2 by you, correct?</p> <p>3 A. Yes.</p> <p>4 Q. That is factual?</p> <p>5 A. Yes.</p> <p>6 Q. So Col Allan didn't make a habit</p> <p>7 of accosting you or addressing you or</p> <p>8 speaking to you at the bar; is that correct?</p> <p>9 A. Yes.</p> <p>10 Q. And you give a description of Col</p> <p>11 Allan and then you go on to say, "That night</p> <p>12 the editor shared a story about the time</p> <p>13 Dunleavy fucked a gorgeous female fan in the</p> <p>14 bar's closet."</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Now, do you know when that</p> <p>18 incident occurred, the Dunleavy incident?</p> <p>19 A. No. He didn't -- he was sharing</p> <p>20 multiple -- many jokes and that was one of</p> <p>21 many sexual jokes about Dunleavy's sexual</p> <p>22 history but he didn't say a date.</p> <p>23 Q. Okay. And you don't know if Col</p> <p>24 Allan was actually testifying from his</p> <p>25 own -- from witnessing this or if Col was</p>
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<p>1 Guzman</p> <p>2 telling a story that had kind of come to him</p> <p>3 secondhand, do you?</p> <p>4 A. He actually said that he witnessed</p> <p>5 this, he actually -- the stories that he</p> <p>6 told us that night were all stories that he</p> <p>7 witnessed about his really good friend</p> <p>8 Dunleavy whom he has known for more than 30</p> <p>9 years.</p> <p>10 Q. Your testimony is that Col Allan</p> <p>11 told you that he saw this incident with</p> <p>12 Dunleavy having sex in the closet?</p> <p>13 A. He witnessed that he saw her leg</p> <p>14 sticking out of the closet as he had sex</p> <p>15 with this woman.</p> <p>16 Q. What you say is that the editor</p> <p>17 shared a story, right?</p> <p>18 A. I summarized, I didn't write all</p> <p>19 the things that the editor shared that night</p> <p>20 with us.</p> <p>21 Q. Okay. But your -- okay. Your</p> <p>22 account here doesn't say that the editor</p> <p>23 told you he saw this. It says he shared a</p> <p>24 story, right?</p> <p>25 A. Right. He shared a story in which</p>	<p>1 Guzman</p> <p>2 he saw his good friend drink himself drunk</p> <p>3 and then had -- proceed to have sex with</p> <p>4 this fan and he witnessed her leg sticking</p> <p>5 out of the closet. In fact I believe it was</p> <p>6 Langan's where this happened.</p> <p>7 Q. Are you certain that Mr. Allan</p> <p>8 told you that he saw this incident?</p> <p>9 A. I am certain that all the stories</p> <p>10 he shared that night he was very specific</p> <p>11 that he witnessed.</p> <p>12 Q. And you listened to the story,</p> <p>13 right?</p> <p>14 A. Yes.</p> <p>15 Q. And the girls laughed?</p> <p>16 A. Yes.</p> <p>17 Q. And you went ooh?</p> <p>18 A. I went ooh.</p> <p>19 Q. Ooh, and you went ooh, not because</p> <p>20 you were offended that somebody would</p> <p>21 describe an incident of sex, you said ooh</p> <p>22 because, "The thought of anyone fucking a</p> <p>23 near dead drunk skeleton was not funny. I</p> <p>24 fuck for pleasure."</p> <p>25 A. It wasn't funny. It was actually</p>

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<p>1 Guzman</p> <p>2 disgusting.</p> <p>3 Q. And you stuck around to listen to</p> <p>4 the story, right?</p> <p>5 A. I stuck around to hang out with my</p> <p>6 girlfriends.</p> <p>7 Q. Nobody was chaining you to the bar</p> <p>8 stool, right?</p> <p>9 A. No.</p> <p>10 Q. You could have walked away?</p> <p>11 A. Yes.</p> <p>12 Q. Right?</p> <p>13 You wrote in the same paragraph</p> <p>14 that, "Col Allan only befriends ugly female</p> <p>15 editors, the she-males."</p> <p>16 Who were you referring to?</p> <p>17 MR. THOMPSON: What paragraph are</p> <p>18 you referring to?</p> <p>19 MR. LERNER: Same paragraph we</p> <p>20 have been on, five lines from the</p> <p>21 bottom.</p> <p>22 MR. THOMPSON: I see.</p> <p>23 THE WITNESS: A former features</p> <p>24 editor.</p> <p>25</p>	<p>1 Guzman</p> <p>2 BY THE VIDEOGRAPHER:</p> <p>3 Q. Who is that?</p> <p>4 A. Fay Penn.</p> <p>5 Q. Well, you actually wrote plural,</p> <p>6 "He only befriends ugly female editors,</p> <p>7 she-males."</p> <p>8 A. That is what I was thinking.</p> <p>9 Q. Is "she-males" a term that you use</p> <p>10 for women you regard as ugly?</p> <p>11 A. No.</p> <p>12 Q. Did you regard Fay Penn as ugly?</p> <p>13 A. Her attitude more than physically.</p> <p>14 I was referring to her energy, to her</p> <p>15 energy, not to her physical appearance.</p> <p>16 Q. Well, you wrote that "Col Allan</p> <p>17 doesn't know how to handle himself around</p> <p>18 pretty women, he only befriends ugly female</p> <p>19 editors." You are talking about physical</p> <p>20 appearance, correct?</p> <p>21 A. When I was thinking about this</p> <p>22 particular editor, I was thinking more about</p> <p>23 her energy.</p> <p>24 Q. What is a she-male?</p> <p>25 A. It is very strong, muscular,</p>
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<p>1 Guzman</p> <p>2 androgenous-looking female.</p> <p>3 Q. Is there anybody else at The Post</p> <p>4 that you regard as an ugly female editor who</p> <p>5 Col Allan befriends?</p> <p>6 A. Who has ugly female energy, male</p> <p>7 ugly she-male female energy. No. I can't</p> <p>8 think of anybody else at this time.</p> <p>9 Q. Isn't a she-male a man who</p> <p>10 surgically altered to have breasts?</p> <p>11 A. No. Not as I understand it.</p> <p>12 Q. And, so you listened to the story</p> <p>13 about Dunleavy having sex in the closet,</p> <p>14 right, correct?</p> <p>15 A. Correct.</p> <p>16 Q. And you did not walk away,</p> <p>17 correct?</p> <p>18 A. Correct.</p> <p>19 Q. And then Col Allan displays a</p> <p>20 photograph on his BlackBerry of a naked man,</p> <p>21 correct?</p> <p>22 A. So after several stories about</p> <p>23 Dunleavy's sexual exploits Col Allan digs</p> <p>24 into his pocket, pulls out his BlackBerry</p> <p>25 and hands it to me and he says, "Look," and</p>	<p>1 Guzman</p> <p>2 he smirks and he says, "Look at this," and</p> <p>3 it is a picture of a naked man with his</p> <p>4 genitalia exposed.</p> <p>5 Q. And so Mr. Allan had told several</p> <p>6 stories about Dunleavy at this point?</p> <p>7 A. At this point he had told several</p> <p>8 sexual stories.</p> <p>9 Q. What were the other stories about</p> <p>10 Dunleavy besides the one about the closet?</p> <p>11 A. There was one where Dunleavy slept</p> <p>12 over his house. He had given him keys to</p> <p>13 his apartment and Dunleavy came in the</p> <p>14 middle of the night and when Mr. Allan went</p> <p>15 to the restroom or he heard noise he walked</p> <p>16 into Dunleavy trying to pee in a closet or</p> <p>17 something, something to that effect so he</p> <p>18 may have seen Dunleavy's penis.</p> <p>19 Q. Do you remember any other stories?</p> <p>20 A. And then there was a story.</p> <p>21 something about Dunleavy once -- Dunleavy</p> <p>22 has such a voracious sexual appetite that he</p> <p>23 would probably, to use Mr. Allan's word,</p> <p>24 fuck a woman without limbs or something to</p> <p>25 that effect so there were more. Those were</p>

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<p>1 Guzman</p> <p>2 the three I remember most vividly.</p> <p>3 Q. And then the -- and after those,</p> <p>4 and you stuck around to listen?</p> <p>5 A. I kind of started zoning out after</p> <p>6 the first joke.</p> <p>7 Q. Your feet were still planted on</p> <p>8 the floor?</p> <p>9 A. Yes.</p> <p>10 Q. And you are still there in this</p> <p>11 group, right?</p> <p>12 A. Right. Can you -- you can, your</p> <p>13 feet can be there and you can physically be</p> <p>14 present but you can zone out.</p> <p>15 Q. And by now -- by then you drank</p> <p>16 the second beer, right?</p> <p>17 A. He paid for, he paid a round for</p> <p>18 all the girlfriends and I was drinking my</p> <p>19 second beer.</p> <p>20 Q. Okay. And then you see this</p> <p>21 photograph on his BlackBerry that he shows</p> <p>22 you, right?</p> <p>23 A. Yes.</p> <p>24 Q. And you look at the photograph and</p> <p>25 you make a remark to him about the</p>	<p>1 Guzman</p> <p>2 photograph that is very Chelsea of you,</p> <p>3 right?</p> <p>4 A. Yes. I was creeped out by it. I</p> <p>5 was shocked and baffled.</p> <p>6 Q. Well, but you said "How Chelsea of</p> <p>7 you," that is what you said, right?</p> <p>8 A. It is what I wrote.</p> <p>9 Q. You said this is factual?</p> <p>10 A. I definitely told him that. I may</p> <p>11 have told him other things but I definitely</p> <p>12 told him.</p> <p>13 Q. And Chelsea is a reference to the</p> <p>14 neighborhood that you live in, right?</p> <p>15 A. Yes.</p> <p>16 Q. It is the gay capital of the</p> <p>17 northeast, right?</p> <p>18 A. Yes.</p> <p>19 Q. Those are your words, right?</p> <p>20 A. Yes.</p> <p>21 Q. And you said that in your -- what</p> <p>22 you wrote you said that this would be very</p> <p>23 normal thing do in your neighborhood, right?</p> <p>24 A. Yes.</p> <p>25 Q. And you didn't tell Mr. Allan that</p>
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<p>1 Guzman</p> <p>2 you were offended by the picture, right?</p> <p>3 A. No.</p> <p>4 Q. You didn't tell him that you were</p> <p>5 offended by the stories he was telling,</p> <p>6 right?</p> <p>7 A. No.</p> <p>8 Q. And you could have walked away</p> <p>9 from the bar, right?</p> <p>10 A. You have to understand --</p> <p>11 Q. You could have --</p> <p>12 MR. THOMPSON: Wait.</p> <p>13 THE WITNESS: You have to</p> <p>14 understand --</p> <p>15 BY MR. LERNER:</p> <p>16 Q. You could have walked away from</p> <p>17 the bar, correct?</p> <p>18 A. This is my boss and it was</p> <p>19 pretty -- I was stupefied. This never</p> <p>20 happened to me in my life where my boss, you</p> <p>21 know, would feel free to be so brazen and</p> <p>22 talk about cocks and somebody else's sex</p> <p>23 life and show me pictures of a naked man so</p> <p>24 I was pretty baffled and stupefied. I</p> <p>25 actually don't remember moving from where I</p>	<p>1 Guzman</p> <p>2 was standing.</p> <p>3 Q. The picture was a photograph that</p> <p>4 ran in The New York Post the next day,</p> <p>5 right?</p> <p>6 A. I later learned. At the time I</p> <p>7 didn't know what it was. At the time I</p> <p>8 had -- there was absolutely no reason for</p> <p>9 him to show me the picture so I didn't know</p> <p>10 what it was and either the day later or two</p> <p>11 days later it was published in The Post with</p> <p>12 his genitalia covered.</p> <p>13 Q. When The Post buys a photograph</p> <p>14 they get the whole photograph, right?</p> <p>15 A. Certainly that photograph that he</p> <p>16 showed me wasn't covered up.</p> <p>17 Q. Right. And that is the way the</p> <p>18 photograph was purchased by The Post for</p> <p>19 publication, right?</p> <p>20 MR. THOMPSON: Objection.</p> <p>21 THE WITNESS: I believe so.</p> <p>22 BY MR. LERNER:</p> <p>23 Q. You wrote on the second page here,</p> <p>24 6652, that in the second to last paragraph,</p> <p>25 "Sex talk, sex play, lewd behaviors was the</p>

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<p>1 Guzman</p> <p>2 him?</p> <p>3 MR. THOMPSON: Objection. Asked</p> <p>4 and answered.</p> <p>5 THE WITNESS: You know, I don't</p> <p>6 remember that. I don't even remember</p> <p>7 what Josh Williams looks like.</p> <p>8 BY MR. LERNER:</p> <p>9 Q. If Josh told us that is he lying?</p> <p>10 MR. THOMPSON: Objection.</p> <p>11 THE WITNESS: I don't know because</p> <p>12 he may have me confused with someone</p> <p>13 else. So I don't remember telling Josh</p> <p>14 Williams that.</p> <p>15 BY MR. LERNER:</p> <p>16 Q. You listed Josh Williams as a</p> <p>17 person with knowledge about your case on a</p> <p>18 disclosure form.</p> <p>19 A. So I don't remember what he looks</p> <p>20 like. And I don't remember that exchange</p> <p>21 and that is the God's honest truth.</p> <p>22 Q. Why did you list him as a person</p> <p>23 with knowledge of your case?</p> <p>24 A. Because he works in the</p> <p>25 photography department where his boss would</p>	<p>1 Guzman</p> <p>2 frequently refer to women as -- women</p> <p>3 employees of his as being part of his harem</p> <p>4 so Josh probably witnessed David Boyle</p> <p>5 referring to women as part of a team of</p> <p>6 women who sexually satisfy him, his little</p> <p>7 girlfriends.</p> <p>8 Q. David Boyle didn't sexually harass</p> <p>9 you, right?</p> <p>10 A. He didn't personally sexually</p> <p>11 harass me but he certainly created an</p> <p>12 environment that was sexually hostile.</p> <p>13 Q. But it wasn't something he did in</p> <p>14 your presence, correct?</p> <p>15 A. Well, in my presence he referred</p> <p>16 to his female staff as being part of his</p> <p>17 harem. In my presence to me, David Boyle</p> <p>18 referred to the women that worked for him as</p> <p>19 women who were part of his harem and to me</p> <p>20 that meant that they were there for his</p> <p>21 pleasure.</p> <p>22 Q. And that allegation is not in your</p> <p>23 complaint, correct?</p> <p>24 A. The harem, the sexual -- the</p> <p>25 harem?</p>
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<p>1 Guzman</p> <p>2 Q. What you just testified to.</p> <p>3 A. I believe that I -- what is part</p> <p>4 of my complaint is that David Boyle did</p> <p>5 create -- was part of a pattern of behavior</p> <p>6 displayed by New York Post editors including</p> <p>7 David Boyle who referred to his staff as</p> <p>8 being part of his harem. It is part of the</p> <p>9 complaint. It is absolutely part of the</p> <p>10 complaint.</p> <p>11 Q. You never said in the complaint</p> <p>12 that he referred to women as a harem,</p> <p>13 correct?</p> <p>14 A. It is part of the complaint.</p> <p>15 Q. It is not -- you did not state in</p> <p>16 your complaint that David Boyle referred to</p> <p>17 his -- to women as a harem, correct?</p> <p>18 A. His staff.</p> <p>19 Q. Well, you didn't say that in the</p> <p>20 complaint. You didn't plead that, correct?</p> <p>21 A. As far as I -- my recollection is</p> <p>22 that I did.</p> <p>23 Q. Isn't it a fact this is the first</p> <p>24 time that you are disclosing that allegation</p> <p>25 to anybody?</p>	<p>1 Guzman</p> <p>2 MR. THOMPSON: Objection.</p> <p>3 THE WITNESS: Can I --</p> <p>4 MR. THOMPSON: Objection.</p> <p>5 Answer the question.</p> <p>6 THE WITNESS: Yes -- no, this</p> <p>7 is --</p> <p>8 MR. THOMPSON: You are not asking</p> <p>9 her to disclose any conversations she</p> <p>10 had with counsel, are you, Mr. Lerner,</p> <p>11 right?</p> <p>12 MR. LERNER: Of course not.</p> <p>13 MR. THOMPSON: So make it clear so</p> <p>14 she is not confused.</p> <p>15 THE WITNESS: Right.</p> <p>16 MR. THOMPSON: Because the</p> <p>17 question is confusing.</p> <p>18 BY MR. LERNER:</p> <p>19 Q. Have you ever disclosed this</p> <p>20 allegation about David Boyle making comments</p> <p>21 about a harem in your EEOC charge, in your</p> <p>22 federal complaint, in any interrogatory</p> <p>23 response, in any testimony, in any affidavit</p> <p>24 ever?</p> <p>25 A. Well, I thought I did.</p>

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<p>1 Guzman</p> <p>2 A. No.</p> <p>3 Q. You never asked Mr. Riedel to stop</p> <p>4 singing from West Side Story, right?</p> <p>5 MR. THOMPSON: Objection.</p> <p>6 This part of the transcript</p> <p>7 regarding everything in terms of -- you</p> <p>8 can stop the confidential section when</p> <p>9 Mr. Lerner started asking Ms. Guzman</p> <p>10 about Exhibit 34 Bates stamps SG6651 and</p> <p>11 6652.</p> <p>12 BY MR. LERNER:</p> <p>13 Q. And you wrote in your book which</p> <p>14 you call the Latinas bible that you are a</p> <p>15 strong woman who learned early on never to</p> <p>16 take abuse from anybody and to stand up for</p> <p>17 yourself, right?</p> <p>18 MR. THOMPSON: Objection. Asked</p> <p>19 and answered.</p> <p>20 THE WITNESS: I keep learning that</p> <p>21 lesson.</p> <p>22 BY MR. LERNER:</p> <p>23 Q. You wrote that, right?</p> <p>24 A. Yes.</p> <p>25 Q. And you have told women that that</p>	<p>1 Guzman</p> <p>2 is how they should live their lives, right?</p> <p>3 MR. THOMPSON: Objection. Asked</p> <p>4 and answered at the last deposition.</p> <p>5 BY MR. LERNER:</p> <p>6 Q. Correct?</p> <p>7 A. Correct.</p> <p>8 Q. And you endeavored to live your</p> <p>9 life that way, correct?</p> <p>10 A. I try as much as I could.</p> <p>11 Sometimes I don't. Sometimes fear comes</p> <p>12 into my heart. Sometimes I am afraid to</p> <p>13 lose my job and so I try to the best of my</p> <p>14 ability.</p> <p>15 Sometimes the situation is more</p> <p>16 overwhelming and I am not as strong as I</p> <p>17 want to be but I aspire to be strong in the</p> <p>18 face of sexual harassment and</p> <p>19 discrimination.</p> <p>20 Q. And you told Les Goodstein that he</p> <p>21 should stop saying Cha-Cha when you didn't</p> <p>22 like that, right?</p> <p>23 A. Yes.</p> <p>24 Q. And you told Col Allan that you</p> <p>25 thought it was a mistake for the paper to</p>
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<p>1 Guzman</p> <p>2 cancel the Harlem Week section because you</p> <p>3 thought it would be bad for the paper's</p> <p>4 relationship with the minority community,</p> <p>5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. Did David Boyle ever do anything</p> <p>8 to threaten you?</p> <p>9 A. I don't understand the question.</p> <p>10 Threaten me how?</p> <p>11 Q. Did David Boyle ever threaten you?</p> <p>12 A. Threaten me, how?</p> <p>13 Q. In any way.</p> <p>14 A. I found his comments about his</p> <p>15 talented female staffers unprofessional.</p> <p>16 Q. Did he ever threaten you?</p> <p>17 A. Threaten me like -- I don't</p> <p>18 understand.</p> <p>19 Q. If you complain I will do</p> <p>20 something to harm your career, that kind of</p> <p>21 thing?</p> <p>22 A. No.</p> <p>23 Q. Was he your supervisor?</p> <p>24 A. No.</p> <p>25 Q. I am going to put before you a</p>	<p>1 Guzman</p> <p>2 document marked Guzman Exhibit 35.</p> <p>3 (Document Bates numbered SG2341</p> <p>4 through 2345 was marked Guzman Exhibit 35</p> <p>5 for identification)</p> <p>6 BY MR. LERNER:</p> <p>7 Q. It is Bates numbered SG2341</p> <p>8 through 2345.</p> <p>9 Ms. Guzman, I am going to</p> <p>10 represent to you that this is an excerpt</p> <p>11 from one of your handwritten journals.</p> <p>12 If you look at the first page it</p> <p>13 has a date of Tuesday, 9/27?</p> <p>14 A. Yes.</p> <p>15 Q. And if you look at the last page</p> <p>16 it has a date of Wednesday, 9/28.</p> <p>17 I am going represent to you that</p> <p>18 9/27 and 9/28 were Tuesday and Wednesday in</p> <p>19 the year 2005. Okay?</p> <p>20 A. Okay.</p> <p>21 Q. So would you -- you don't have to</p> <p>22 accept that representation but you can -- my</p> <p>23 question to you is do you know what year you</p> <p>24 wrote these notes?</p> <p>25 MR. THOMPSON: What notes? All in</p>

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<p>1 Guzman</p> <p>2 this document?</p> <p>3 MR. LERNER: Exhibit 35.</p> <p>4 THE WITNESS: It was during my</p> <p>5 time that I worked at The Post.</p> <p>6 BY MR. LERNER:</p> <p>7 Q. Was it in September 2005?</p> <p>8 A. I am not sure.</p> <p>9 Q. Okay. Could you look at page</p> <p>10 2343.</p> <p>11 Ms. Guzman, this is a reference on</p> <p>12 page 2343 to editorial meetings that you</p> <p>13 attended early in your career at The Post,</p> <p>14 right?</p> <p>15 A. Yes.</p> <p>16 Q. You attended those meetings in</p> <p>17 2004 and 2005, right?</p> <p>18 A. '3, '4, '5 and maybe '6. I am not</p> <p>19 sure.</p> <p>20 Q. You testified that you stopped</p> <p>21 going at the end of 2005.</p> <p>22 A. Okay. Okay.</p> <p>23 Q. When did you write the material on</p> <p>24 page 2343?</p> <p>25 A. In the meeting that I attended</p>	<p>1 Guzman</p> <p>2 where, again, the talk became of my boss'</p> <p>3 trips to Scores and strippers and where the</p> <p>4 meeting descended into parlor talk about</p> <p>5 women's bodies.</p> <p>6 Q. Can you read what you wrote at the</p> <p>7 top?</p> <p>8 A. Sure. "Talk of butts, boobs,</p> <p>9 strippers, football, betting, race horsing</p> <p>10 were part of the daily conversations among</p> <p>11 the white men in the table."</p> <p>12 Q. What is the diagram that you drew?</p> <p>13 A. It is a diagram of a table.</p> <p>14 Q. Where are you in this diagram?</p> <p>15 A. I am sitting by the window sill</p> <p>16 in -- opposite of Col Allan, opposite side</p> <p>17 of Col Allan, as far away from him as I</p> <p>18 could be.</p> <p>19 Q. Were there stories in the paper</p> <p>20 about strippers that were being discussed?</p> <p>21 A. On that particular day there may</p> <p>22 have been a story. There is always a story</p> <p>23 about some kind of stripper, whether it is</p> <p>24 real or not, many of the conversations ended</p> <p>25 up being about strippers in the news room.</p>
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<p>1 Guzman</p> <p>2 Q. The Post publishes a lot of</p> <p>3 stories about strippers, right?</p> <p>4 A. Particularly during the Col Allan</p> <p>5 regime, yes.</p> <p>6 Q. And during the Col Allan regime</p> <p>7 The Post published stories about celebrities</p> <p>8 with large breasts?</p> <p>9 A. Yes.</p> <p>10 Q. Published pictures of celebrities</p> <p>11 in bikinis, right?</p> <p>12 A. Yes.</p> <p>13 Q. The Post would purchase paparazzi</p> <p>14 photos of celebrities on the beach, that</p> <p>15 sort of thing?</p> <p>16 A. Yes.</p> <p>17 Q. And publish them, right?</p> <p>18 A. Yes.</p> <p>19 Q. And these were the editorial</p> <p>20 meetings where what is going to be published</p> <p>21 in the next day's paper is discussed,</p> <p>22 correct?</p> <p>23 A. Well, this particular meeting,</p> <p>24 yes.</p> <p>25 Q. This meeting refers to the 11:00</p>	<p>1 Guzman</p> <p>2 a.m. editorial meetings that happened</p> <p>3 everyday led by Col Allan to determine what</p> <p>4 is in the next day's paper, right?</p> <p>5 A. Yes.</p> <p>6 Q. Were you assigned a seat on the</p> <p>7 window sill or did you take that seat?</p> <p>8 A. There were no more seats that day</p> <p>9 at the table when I arrived to the meeting</p> <p>10 so that is where I sat.</p> <p>11 Q. That day?</p> <p>12 A. Yes.</p> <p>13 Q. You have sat at the table though,</p> <p>14 right?</p> <p>15 A. Yes.</p> <p>16 Q. Was Lauren Ramsby in the meeting</p> <p>17 that day?</p> <p>18 A. Lauren Ramsby was in and out of</p> <p>19 the meeting that day.</p> <p>20 Q. What about Paula Froelich?</p> <p>21 A. No.</p> <p>22 Q. She attended sometimes, right?</p> <p>23 A. When Richard Johnson wasn't</p> <p>24 available.</p> <p>25 Q. What about who attended from</p>

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<p>1 Guzman</p> <p>2 Q. Okay. Take a look, if you would,</p> <p>3 at the first page of Exhibit 36?</p> <p>4 A. Okay.</p> <p>5 Q. Which is entitled "Hispanic</p> <p>6 Readers." And it shows a graph of Hispanic</p> <p>7 readership starting in March 2003 and going</p> <p>8 to March 2009.</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. And it shows Hispanic readership</p> <p>12 of 248,810 in March 2003 and 238,768 in</p> <p>13 March of 2009.</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. If you go to the next page it is</p> <p>17 entitled, "New York Post Hispanic Reader</p> <p>18 Trend." And it starts in year 2003 with</p> <p>19 284,000 and it ends in '09 with 239,000 and</p> <p>20 change.</p> <p>21 Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. So, Ms. Guzman, Hispanic</p> <p>24 readership during your time at The Post</p> <p>25 began and ended roughly at the same numbers,</p>	<p>1 Guzman</p> <p>2 correct?</p> <p>3 A. Yes. That is what it shows here.</p> <p>4 MR. THOMPSON: Objection.</p> <p>5 Misstates this document.</p> <p>6 THE WITNESS: But see --</p> <p>7 MR. THOMPSON: Mr. Lerner, you</p> <p>8 just misstated the document.</p> <p>9 BY MR. LERNER:</p> <p>10 Q. You are right. I misstated it.</p> <p>11 It actually started at 284,000 and</p> <p>12 ended 50,000 lower, 239,000; is that</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. So that aspect of your job by 2009</p> <p>16 you had not actually achieved an increase in</p> <p>17 Hispanic relationship for 2009, correct?</p> <p>18 A. It is very difficult to achieve it</p> <p>19 when you don't control the headlines, when</p> <p>20 you don't make decisions about how to write</p> <p>21 the headlines that may be deemed</p> <p>22 inappropriate or racist by readers.</p> <p>23 It is hard to do a good job when</p> <p>24 bodega owners are refusing to carry The New</p> <p>25 York Post because they find it offensive and</p>
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<p>1 Guzman</p> <p>2 racist so it is very difficult to do my job</p> <p>3 when the editor is approving stories that</p> <p>4 may be deemed racist and inappropriate to</p> <p>5 the readership.</p> <p>6 Q. What is the basis of your claim in</p> <p>7 light of what you have just said that you --</p> <p>8 your -- you were able to increase Hispanic</p> <p>9 readership at The Post by 40 percent when</p> <p>10 you were there?</p> <p>11 A. Because to me Haiman gave me that</p> <p>12 information. Haiman was in charge of the</p> <p>13 Tempo sales during my time there so she was</p> <p>14 the one that actually gave me information.</p> <p>15 Q. Did she give it to you -- what did</p> <p>16 she tell you?</p> <p>17 A. She said that the efforts at Tempo</p> <p>18 were panning out.</p> <p>19 Q. When did she say that?</p> <p>20 A. When I worked there.</p> <p>21 Q. When did she leave?</p> <p>22 A. I think she left in 2007 or '8. I</p> <p>23 am not really sure.</p> <p>24 Q. So a year or two before you left,</p> <p>25 right?</p>	<p>1 Guzman</p> <p>2 A. Yes.</p> <p>3 Q. When did she tell you the words</p> <p>4 that your -- Tempo efforts were panning out?</p> <p>5 A. She would say we have -- the</p> <p>6 paper's Hispanic readership is increasing</p> <p>7 and I think she was actually particularly</p> <p>8 talking about a specific segment of the</p> <p>9 readership. I don't think this is the</p> <p>10 entire universe of the Scarborough report.</p> <p>11 This might be -- there might be a breakdown</p> <p>12 of the ages so she might be referring to a</p> <p>13 specific age bracket which is what the</p> <p>14 advertisers were looking for.</p> <p>15 Q. So it is possible that she was</p> <p>16 only referring to a particular subset of</p> <p>17 Hispanic readers?</p> <p>18 A. Exactly. Exactly.</p> <p>19 Q. And did she use the number</p> <p>20 40 percent or did she say the words increase</p> <p>21 or pan out?</p> <p>22 A. She may have used the number 40</p> <p>23 percent.</p> <p>24 Q. Do you have a specific</p> <p>25 recollection as you sit here today of her</p>

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<p>1 Guzman</p> <p>2 saying the number 40 percent?</p> <p>3 A. I don't have a specific</p> <p>4 recollection. I can tell you that she may</p> <p>5 have said this during our conversations</p> <p>6 about the efforts to increase readership.</p> <p>7 Q. But your best recollection today</p> <p>8 is that she said they increased and the</p> <p>9 efforts were panning out?</p> <p>10 A. Yes.</p> <p>11 Q. You are not sure what age group</p> <p>12 she was talking about?</p> <p>13 A. I am not sure what age group.</p> <p>14 Q. So why did you swear in your</p> <p>15 pleadings that you increased Hispanic</p> <p>16 readership by 40 percent?</p> <p>17 A. Because that is what I was led to</p> <p>18 believe.</p> <p>19 Q. Ms. Guzman, you are aware that by</p> <p>20 2009 Tempo was not turning a profit,</p> <p>21 correct?</p> <p>22 A. I was told, yes.</p> <p>23 Q. And overall Hispanic readership</p> <p>24 you are seeing is roughly down from even</p> <p>25 2003, right?</p>	<p>1 Guzman</p> <p>2 A. Yes.</p> <p>3 Q. So -- and you were making \$137,000</p> <p>4 in 2009, correct?</p> <p>5 A. Yes.</p> <p>6 Q. So in light of those facts what</p> <p>7 would the economic justification to The New</p> <p>8 York Post have been keeping you in your job?</p> <p>9 A. I was editing many other sections,</p> <p>10 I was contributing to other parts of the</p> <p>11 paper.</p> <p>12 Q. Didn't many of the sections, the</p> <p>13 special sections that you edited in 2009</p> <p>14 besides Tempo also close down?</p> <p>15 A. Not while I was there.</p> <p>16 Q. Didn't Harlem Week close?</p> <p>17 A. It didn't close. They weren't</p> <p>18 able to publish one in The New York Post but</p> <p>19 it was published in the community papers</p> <p>20 that News Corp. owned.</p> <p>21 Q. So you believe that the economic</p> <p>22 justification for your continued employment</p> <p>23 would have been to continue editing several</p> <p>24 special sections?</p> <p>25 MR. THOMPSON: Objection.</p>
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<p>1 Guzman</p> <p>2 BY MR. LERNER:</p> <p>3 Q. Is that correct?</p> <p>4 MR. THOMPSON: Objection.</p> <p>5 THE WITNESS: The New York Post I</p> <p>6 believe doesn't turn a profit and it</p> <p>7 continues to publish so there is already</p> <p>8 a philosophy of publishing a paper even</p> <p>9 though it doesn't turn a profit.</p> <p>10 And when I first started working</p> <p>11 on one of the sections, Tempo, the paper</p> <p>12 wasn't making a profit out of Tempo. It</p> <p>13 was much -- when Lockland Murdoch</p> <p>14 decided to launch, to create this, it</p> <p>15 wasn't about profit as told to me. It</p> <p>16 was about creating an environment where</p> <p>17 Hispanic readers felt that this paper</p> <p>18 was friendly to them and cared about</p> <p>19 them and covered the community.</p> <p>20 So justification for closing down</p> <p>21 Tempo, you know if we are going to</p> <p>22 follow that logic then why not close the</p> <p>23 newspaper? The paper does not make</p> <p>24 money. It does not make a profit. It</p> <p>25 loses.</p>	<p>1 Guzman</p> <p>2 BY MR. LERNER:</p> <p>3 Q. So The Post should continue --</p> <p>4 your position is The Post should continue to</p> <p>5 employ you to publish a section that they</p> <p>6 are shutting down and continue to employ you</p> <p>7 even though you are having no impact on</p> <p>8 overall Hispanic readership?</p> <p>9 MR. THOMPSON: Objection.</p> <p>10 THE WITNESS: So the paper</p> <p>11 continues to employ Col Allen even</p> <p>12 though the paper loses money every year.</p> <p>13 BY MR. LERNER:</p> <p>14 Q. Would there be a New York Post</p> <p>15 without Col Allan. Ms. Guzman?</p> <p>16 A. Yes. If it is financed by Rupert</p> <p>17 Murdoch.</p> <p>18 Q. Were you present with Pucci Meyer</p> <p>19 at any time where she met with the human</p> <p>20 resources department or the legal</p> <p>21 department?</p> <p>22 A. No.</p> <p>23 Q. Do you have any personal knowledge</p> <p>24 of Pucci Meyer's discussions with the HR</p> <p>25 department or the legal department?</p>

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<p>1 Guzman</p> <p>2 cohort with him in publishing the racist</p> <p>3 cartoon.</p> <p>4 Q. I am sorry. What did Mr. -- I</p> <p>5 thought Mr. Angelo sent you an e-mail saying</p> <p>6 why am I getting these e-mails?</p> <p>7 A. He called me. He called me as</p> <p>8 well.</p> <p>9 Q. Go ahead.</p> <p>10 A. And he yelled at me and he asked</p> <p>11 me to stop, he didn't want to be part of</p> <p>12 the -- he didn't want to be copied on my</p> <p>13 responses.</p> <p>14 Q. What else did he say?</p> <p>15 A. And he hung up.</p> <p>16 Q. So he told you he didn't want to</p> <p>17 be copied on your responses?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. He didn't berate you for --</p> <p>20 he didn't criticize what you wrote in the</p> <p>21 responses, correct?</p> <p>22 A. He don't want to talk about it.</p> <p>23 Q. He didn't want --</p> <p>24 A. Hear it.</p> <p>25 Q. Do you know how many e-mails he</p>	<p>1 Guzman</p> <p>2 received from your responses?</p> <p>3 A. No.</p> <p>4 Q. Could it have been dozens?</p> <p>5 A. Probably more.</p> <p>6 Q. Over 100?</p> <p>7 A. Probably more.</p> <p>8 Q. So is that what Mr. Angelo was</p> <p>9 complaining about when he called you?</p> <p>10 MR. THOMPSON: Objection.</p> <p>11 BY MR. LERNER:</p> <p>12 Q. Yes or no?</p> <p>13 A. I guess so.</p> <p>14 He shouldn't have approved the</p> <p>15 publication of that cartoon.</p> <p>16 MR. LERNER: How much time do we</p> <p>17 have on this tape?</p> <p>18 THE VIDEOGRAPHER: We have about</p> <p>19 20 minutes.</p> <p>20 MR. LERNER: Twenty minutes, okay.</p> <p>21 Let's go off the record for a</p> <p>22 minute.</p> <p>23 THE VIDEOGRAPHER: The time is</p> <p>24 1:06 p.m. We are going off the record.</p> <p>25 (Luncheon recess: 1:06 p.m.)</p>
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<p>1 Guzman</p> <p>2 AFTERNOON SESSION</p> <p>3 2:13 p.m.</p> <p>4 THE VIDEOGRAPHER: The time is</p> <p>5 2:13 p.m.</p> <p>6 We are back on the record with</p> <p>7 video 3.</p> <p>8 BY MR. LERNER:</p> <p>9 Q. Ms. Guzman, for how many weeks did</p> <p>10 Michael read allegedly sing the songs from</p> <p>11 West Side Story to you?</p> <p>12 A. Numerous times.</p> <p>13 Q. How long did it go on for?</p> <p>14 A. I can't tell you how many weeks.</p> <p>15 I can tell you that many of the times that</p> <p>16 Michael Riedel would pass by my office or go</p> <p>17 into my office to talk to me he would.</p> <p>18 MR. LERNER: Off the record.</p> <p>19 (Discussion off the record)</p> <p>20 THE VIDEOGRAPHER: The time is</p> <p>21 2:18 p.m.</p> <p>22 We are back on the record.</p> <p>23 BY MR. LERNER:</p> <p>24 Q. Ms. Guzman, the question is for</p> <p>25 how many weeks did Mr. Riedel sing the song</p>	<p>1 Guzman</p> <p>2 from West Side Story to you?</p> <p>3 A. I can't give you a number of</p> <p>4 weeks. I can tell you --</p> <p>5 Q. You can't recall how long it went</p> <p>6 on for?</p> <p>7 A. I can tell you that as soon as I</p> <p>8 moved to the ninth floor where Mr. Riedel is</p> <p>9 located, as soon as I got an office on the</p> <p>10 ninth floor and we became friendly, on many</p> <p>11 numerous occasions he would introduce</p> <p>12 himself or greet me rather, greet me, with a</p> <p>13 thick Spanish accent.</p> <p>14 Q. This is a completely new</p> <p>15 allegation, Ms. Guzman.</p> <p>16 MR. LERNER: Let's go off the</p> <p>17 record. Ken, you and I need to speak.</p> <p>18 MR. THOMPSON: Wait, wait. We are</p> <p>19 not going off the record. This is the</p> <p>20 second time Mark Lerner has raised his</p> <p>21 voice at this witness.</p> <p>22 MR. LERNER: I am not raising my</p> <p>23 voice.</p> <p>24 MR. THOMPSON: You always -- the</p> <p>25 record is clear.</p>

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<p>1 Guzman</p> <p>2 MR. LERNER: It is your witness --</p> <p>3 your witness is perjuring herself.</p> <p>4 MR. THOMPSON: That is false.</p> <p>5 Mr. Lerner, you have an obligation</p> <p>6 to conduct yourself professionally in a</p> <p>7 deposition. You do not have a right to</p> <p>8 raise your voice at Ms. Guzman or at any</p> <p>9 other witness. I asked you before not</p> <p>10 to do that. I am asking you again to</p> <p>11 stop that improper conduct.</p> <p>12 If you want to talk to me I can</p> <p>13 talk to you but you have no right to</p> <p>14 raise your voice at her so stop it.</p> <p>15 MR. LERNER: You need to counsel</p> <p>16 your witness she is under oath.</p> <p>17 MR. THOMPSON: I don't need to do</p> <p>18 anything but represent her.</p> <p>19 MR. LERNER: She cannot perjure</p> <p>20 herself.</p> <p>21 MR. THOMPSON: You need to stop</p> <p>22 trying to badger her and falsely accuse</p> <p>23 her. She is not your child. She is a</p> <p>24 grown woman so don't raise your voice at</p> <p>25 her. Again, if you want to talk, let's</p>	<p>1 Guzman</p> <p>2 talk.</p> <p>3 MR. LERNER: Let's go outside.</p> <p>4 MR. THOMPSON: Let's go outside.</p> <p>5 THE VIDEOGRAPHER: The time is</p> <p>6 2:20. We are going off the record.</p> <p>7 (Discussion off the record)</p> <p>8 THE VIDEOGRAPHER: The time is</p> <p>9 2:24 p.m.</p> <p>10 We are back on the record.</p> <p>11 BY MR. LERNER:</p> <p>12 Q. Ms. Guzman, you cannot recall for</p> <p>13 how long Mr. Riedel sang West Side Story</p> <p>14 songs in your presence, correct?</p> <p>15 A. No.</p> <p>16 Q. No, you cannot recall, right?</p> <p>17 A. I cannot recall how many times.</p> <p>18 Q. You cannot recall how many days or</p> <p>19 weeks it went on for, correct?</p> <p>20 A. I cannot recall how many days or</p> <p>21 weeks.</p> <p>22 Q. Can you recall --</p> <p>23 A. I can --</p> <p>24 MR. THOMPSON: Are you finished?</p> <p>25</p>
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<p>1 Guzman</p> <p>2 BY MR. LERNER:</p> <p>3 Q. -- when the last time was?</p> <p>4 MR. THOMPSON: Were you finished</p> <p>5 with your last answer?</p> <p>6 THE WITNESS: I cannot recall when</p> <p>7 the last time it was.</p> <p>8 And all I can tell you if you are</p> <p>9 asking me to recollect is that he on</p> <p>10 numerous occasions would either walk by</p> <p>11 my office or peek in and sing the West</p> <p>12 Side Story in a thick Spanish accent.</p> <p>13 BY MR. LERNER:</p> <p>14 Q. Can you recall other than the</p> <p>15 specific incidents that you have described</p> <p>16 you encountered with Les Goodstein engaging</p> <p>17 in conduct that was objectionable can you</p> <p>18 recall any other specific incidents where</p> <p>19 Les Goodstein interacted with you with</p> <p>20 conduct that was objectionable?</p> <p>21 A. Other than the ones I have</p> <p>22 already --</p> <p>23 Q. Correct.</p> <p>24 A. I can't think of anymore at this</p> <p>25 time.</p>	<p>1 Guzman</p> <p>2 Q. Have you reviewed a complaint by</p> <p>3 an individual named Mary McLoughlin?</p> <p>4 A. Not -- no.</p> <p>5 Q. Do you know who Mary McLoughlin</p> <p>6 is?</p> <p>7 A. That name sounds familiar.</p> <p>8 Q. I am going to show you a document</p> <p>9 marked -- there aren't going to be any</p> <p>10 questions about the document.</p> <p>11 MR. THOMPSON: Is it going to be</p> <p>12 an exhibit, Mark?</p> <p>13 MR. LERNER: No.</p> <p>14 BY MR. LERNER:</p> <p>15 Q. Ms. Guzman, you know an individual</p> <p>16 named Oscar Montez de Oca, correct?</p> <p>17 A. Yes.</p> <p>18 Q. In early 2007 you sent him an</p> <p>19 e-mail asking him to contact you about your</p> <p>20 attendance at the inaugural ball, correct?</p> <p>21 A. May I see that e-mail?</p> <p>22 Q. Did you call -- did you contact</p> <p>23 Oscar Montez de Oca to ask him to call you</p> <p>24 about the fact that you were attending the</p> <p>25 inaugural ball?</p>

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<p>1 Guzman</p> <p>2 A. I did not ask him to contact me</p> <p>3 about it. I remember having a conversation</p> <p>4 about my attending -- my covering the</p> <p>5 inaugural ball.</p> <p>6 Q. Showing you Exhibit 38.</p> <p>7 (E-mail dated January 7, 2009 from</p> <p>8 Guzman to Montez was marked Guzman Exhibit</p> <p>9 38 for identification)</p> <p>10 BY MR. LERNER:</p> <p>11 Q. This is an e-mail from you to</p> <p>12 Oscar Montez on January 7, 2009 subject,</p> <p>13 "Call me. Your numbers are not working. It</p> <p>14 is about the presidential ball." Is that</p> <p>15 correct?</p> <p>16 A. Uh-huh.</p> <p>17 Q. You reached --</p> <p>18 MR. THOMPSON: I am sorry. She</p> <p>19 has to verbally answer.</p> <p>20 THE WITNESS: Yes.</p> <p>21 BY MR. LERNER:</p> <p>22 Q. So you reached out to Oscar Montez</p> <p>23 to have him contact you about the ball?</p> <p>24 A. Yes.</p> <p>25 MR. THOMPSON: Objection.</p>	<p>1 Guzman</p> <p>2 BY MR. LERNER:</p> <p>3 Q. And why did you do that,</p> <p>4 Ms. Guzman?</p> <p>5 A. I wanted to tell him that I was</p> <p>6 going to cover the -- one of the inaugural</p> <p>7 balls of President Barak Obama's.</p> <p>8 Q. Why did you call?</p> <p>9 A. Share the news and try to get</p> <p>10 information on who was going, if he knew any</p> <p>11 designers designing the First Lady's ball</p> <p>12 gowns and other outfits, he is a stylist so</p> <p>13 I wanted to get information on it and I</p> <p>14 wanted to share the great news. I thought</p> <p>15 it was very exciting that I would be going</p> <p>16 to cover and witness an historic event.</p> <p>17 Q. And you were interested, you were</p> <p>18 calling him to have him -- to ask him if he</p> <p>19 could style you for a ball, right?</p> <p>20 A. So he volunteered and he said, oh,</p> <p>21 this is really exciting, you know, you</p> <p>22 should let me style you and we discussed how</p> <p>23 we could do the story.</p> <p>24 And he said I have a list of</p> <p>25 designers, some of them have been contacted</p>
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<p>1 Guzman</p> <p>2 by the First Lady's office and maybe you</p> <p>3 could do a story on what the First Lady is</p> <p>4 wearing and kind of, you know, speculate as</p> <p>5 a lot of the news -- fashion news bloggers</p> <p>6 were doing around the issue of what the</p> <p>7 First Lady was going to wear.</p> <p>8 Q. So one of the things he said was</p> <p>9 you should let me style you?</p> <p>10 A. So -- yes.</p> <p>11 Q. And this was somebody that you</p> <p>12 had -- whose services you had utilized in</p> <p>13 your capacity as an editor at The Post,</p> <p>14 right?</p> <p>15 A. Yes.</p> <p>16 Q. You hired him to do styling and</p> <p>17 The Post paid him for services, right?</p> <p>18 A. Yes.</p> <p>19 Q. And he offered to style you and</p> <p>20 you accepted?</p> <p>21 A. He offered to do it as a friend.</p> <p>22 He said, "Sandra, this is really exciting.</p> <p>23 I would love to do this for you."</p> <p>24 And I said all right.</p> <p>25 Q. When you say "as a friend," you</p>	<p>1 Guzman</p> <p>2 mean for free?</p> <p>3 A. This was not going to be -- right,</p> <p>4 he was not doing it for a job.</p> <p>5 Q. He wasn't doing it for pay?</p> <p>6 A. Right.</p> <p>7 Q. And a week later you drafted and</p> <p>8 provided him with a letter of responsibility</p> <p>9 to show vendors, correct?</p> <p>10 A. Yes.</p> <p>11 Q. And that letter of responsibility</p> <p>12 was for him to show to vendors to say please</p> <p>13 allow him to pull clothes and accessories</p> <p>14 for Ms. Guzman on our behalf, correct?</p> <p>15 A. Can I see the letter of</p> <p>16 responsibility?</p> <p>17 Q. Sure.</p> <p>18 This is NYP1585. It has been</p> <p>19 marked Guzman Exhibit 39.</p> <p>20 (Document Bates numbered NYP1585</p> <p>21 was marked Guzman Exhibit 39 for</p> <p>22 identification)</p> <p>23 BY MR. LERNER:</p> <p>24 Q. Is Exhibit 39 the letter of</p> <p>25 responsibility that you drafted and sent to</p>

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<p>1 Guzman</p> <p>2 him?</p> <p>3 A. Yes.</p> <p>4 Q. Did he receive it?</p> <p>5 A. I believe so.</p> <p>6 Q. His e-mail address is</p> <p>7 godlovefashion2@aol.com?</p> <p>8 A. Yes.</p> <p>9 Q. And you understood when you</p> <p>10 drafted this the purpose was, when it says</p> <p>11 "Please allow him to pull clothes," it is to</p> <p>12 show to vendors so that he can pull clothes,</p> <p>13 right?</p> <p>14 A. Yes. It is -- yes.</p> <p>15 Q. And pull clothes means -- does</p> <p>16 pull clothes mean borrow or get free</p> <p>17 samples?</p> <p>18 A. Borrow samples.</p> <p>19 Q. "Borrow samples."</p> <p>20 And you were giving him this</p> <p>21 letter so that he could borrow free samples</p> <p>22 of clothing and/or shoes or other items of</p> <p>23 dress for you to attend one of the balls</p> <p>24 down in Washington, D.C., right?</p> <p>25 A. Yes, and actually, write about</p>	<p>1 Guzman</p> <p>2 them.</p> <p>3 Q. Yes what?</p> <p>4 A. Yes and write about them.</p> <p>5 Q. You didn't copy your supervisor on</p> <p>6 this letter of responsibility, did you?</p> <p>7 A. I did not copy my supervisor on</p> <p>8 most of my correspondence.</p> <p>9 Q. So that is a yes, right?</p> <p>10 A. I did not, yes, that is -- that is</p> <p>11 a yes.</p> <p>12 Q. This is on -- this letter of</p> <p>13 responsibility was sent on January 14, 2009,</p> <p>14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. That is the Wednesday before the</p> <p>17 inaugural ball that you went to?</p> <p>18 MR. THOMPSON: Did you say 2009,</p> <p>19 Mr. Lerner?</p> <p>20 MR. LERNER: Sorry. I said the</p> <p>21 wrong date.</p> <p>22 MR. THOMPSON: It says 2008.</p> <p>23 MR. LERNER: The record says that</p> <p>24 I said 2009.</p> <p>25 MR. THOMPSON: That is why I</p>
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<p>1 Guzman</p> <p>2 corrected you. Because the document I</p> <p>3 have says --</p> <p>4 MR. LERNER: The top of the</p> <p>5 document which has the e-mail stamp says</p> <p>6 January 14, 2009.</p> <p>7 MR. THOMPSON: I got it. It has</p> <p>8 two different dates. Okay. I</p> <p>9 understand.</p> <p>10 BY MR. LERNER:</p> <p>11 Q. Ms. Guzman, do you see that?</p> <p>12 A. I see the two dates, two different</p> <p>13 dates, yes.</p> <p>14 Q. So what date was this e-mail sent,</p> <p>15 January 14 of '09 or January 14 of '08?</p> <p>16 A. Of -- the inaugural ball was</p> <p>17 January 2008.</p> <p>18 Q. Wasn't the election in 2008?</p> <p>19 A. I am sorry. January 2009, yes, so</p> <p>20 I have the wrong date there.</p> <p>21 Q. Right.</p> <p>22 So if you look at the top it</p> <p>23 says -- where it says sent, it says sent</p> <p>24 Wednesday, January 14, 2009?</p> <p>25 A. Yes.</p>	<p>1 Guzman</p> <p>2 Q. So that is the correct date,</p> <p>3 right?</p> <p>4 A. Yes.</p> <p>5 Q. And below where it says 2008 that</p> <p>6 is a typo, correct?</p> <p>7 A. Yes.</p> <p>8 Q. That was your typo?</p> <p>9 A. Yes.</p> <p>10 Q. Now, a couple of days later you</p> <p>11 learned that there was an incident at Manolo</p> <p>12 Blahnik involving Oscar Montez de Oca,</p> <p>13 right?</p> <p>14 A. I learned, yes, that there was an</p> <p>15 incident.</p> <p>16 Q. Oscar was accused of throwing his</p> <p>17 weight around, to use an expression, with</p> <p>18 Blahnik, right?</p> <p>19 MR. THOMPSON: Objection.</p> <p>20 THE WITNESS: I don't remember</p> <p>21 exactly, you know, if weight around was</p> <p>22 what -- the way it was described.</p> <p>23 BY MR. LERNER:</p> <p>24 Q. Okay. What is your recollection</p> <p>25 of what Oscar did?</p>

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<p>1 Guzman</p> <p>2 A. My recollection was that Oscar was</p> <p>3 acting unprofessionally or something like</p> <p>4 that, yes.</p> <p>5 Q. He was demanding shoes from Manolo</p> <p>6 Blahnik, right?</p> <p>7 A. That is what I was told.</p> <p>8 Q. He was demanding that they be</p> <p>9 given to him for free, correct?</p> <p>10 A. That is what I was told by my</p> <p>11 supervisor, Joe Rabinowitz.</p> <p>12 Q. That prompted Mr. Rabinowitz to</p> <p>13 demand a written explanation from you,</p> <p>14 correct?</p> <p>15 A. Absolutely. And it prompted me to</p> <p>16 demand of Oscar what was going on as well.</p> <p>17 Q. And did you know that Col Allan</p> <p>18 demanded a written explanation?</p> <p>19 A. That is what Mr. -- Joe Rabinowitz</p> <p>20 told me.</p> <p>21 Q. And you provided a written</p> <p>22 explanation, right?</p> <p>23 A. I did.</p> <p>24 Q. Let's look at NYP241 through 242.</p> <p>25 This will be Guzman Exhibit 40.</p>	<p>1 Guzman</p> <p>2 (Document Bates numbered NYP241</p> <p>3 through 242 was marked Guzman Exhibit 40 for</p> <p>4 identification)</p> <p>5 BY MR. LERNER:</p> <p>6 Q. If you could look at the first</p> <p>7 e-mail in this document chronologically</p> <p>8 which would be the e-mail at the bottom of</p> <p>9 the page, do you see that, it says from</p> <p>10 Guzman Sandra to Rabinowitz, Friday</p> <p>11 January 16, 20:18, 20:18 being the time in</p> <p>12 2009.</p> <p>13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And it starts, "Hi, Robo"?</p> <p>16 A. Yes.</p> <p>17 Q. Is this the e-mail that you wrote</p> <p>18 to Robo providing your explanation in</p> <p>19 response to his request for an explanation?</p> <p>20 A. Right. So after I spoke with</p> <p>21 Oscar I received a phone call from Joe</p> <p>22 Rabinowitz telling me that Oscar may have</p> <p>23 shown inappropriate behavior with a vendor</p> <p>24 with Manolo Blahnik to find out what was</p> <p>25 going on.</p>
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<p>1 Guzman</p> <p>2 And so I called Oscar and this is</p> <p>3 the letter where after I spoke to Oscar</p> <p>4 explained exactly what I found out.</p> <p>5 Q. Okay. So you knew, Ms. Guzman,</p> <p>6 because you sent the letter of</p> <p>7 authorization, that Oscar would be seeking</p> <p>8 to pull clothes for you, right?</p> <p>9 A. I knew he was going to pull</p> <p>10 clothes for me, yes.</p> <p>11 Q. All right.</p> <p>12 And you wrote to Mr. Rabinowitz,</p> <p>13 the first paragraph, "I just spoke with</p> <p>14 Oscar Montez de Oca and I asked him what, if</p> <p>15 anything, happened with Manolo Blahnik. He</p> <p>16 claims there was a lack of communication</p> <p>17 between he and the reps. He further stated</p> <p>18 that this miscommunication had to do with</p> <p>19 me. He had approached them on my behalf</p> <p>20 which was news to me."</p> <p>21 Did you write that?</p> <p>22 A. Yes.</p> <p>23 Q. So, so you told Mr. Rabinowitz</p> <p>24 that the fact that Oscar had approached this</p> <p>25 vendor on your behalf was news to you,</p>	<p>1 Guzman</p> <p>2 correct?</p> <p>3 A. Yes.</p> <p>4 Q. That was not true, it wasn't news</p> <p>5 to you?</p> <p>6 A. It was news to me that he had</p> <p>7 approached Manolo Blahnik.</p> <p>8 Q. But you knew he was going to pull</p> <p>9 clothes from a vendor, right?</p> <p>10 A. I did not know he was going to</p> <p>11 call Manolo Blahnik on my behalf.</p> <p>12 Q. But you knew he was going to be</p> <p>13 approaching vendors of clothing or shoes on</p> <p>14 your behalf, correct?</p> <p>15 A. Actually, I knew that he was going</p> <p>16 to approach designers on my behalf.</p> <p>17 Q. So when you wrote, "He had</p> <p>18 approached them on my behalf which was news</p> <p>19 to me," it wasn't news to you?</p> <p>20 A. It was news to me and I am going</p> <p>21 to clarify this again, that he was</p> <p>22 approaching Manolo Blahnik on my behalf. I</p> <p>23 didn't know that.</p> <p>24 Q. Okay. And so when you said it was</p> <p>25 news to me to Mr. Rabinowitz you meant it</p>

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<p>1 Guzman</p> <p>2 A. They have been used, the photos</p> <p>3 were used for the jacket of my -- actually,</p> <p>4 no, I don't think they have been used. I</p> <p>5 can't recall now if they have been used</p> <p>6 professionally.</p> <p>7 The intention was to use them for</p> <p>8 promotional purposes for my author and</p> <p>9 speaker appearances.</p> <p>10 Q. You were criticized for what you</p> <p>11 spent on the legends of salsa music photo</p> <p>12 shoot, correct?</p> <p>13 A. I was berated, yes.</p> <p>14 Q. You were criticized?</p> <p>15 A. I was berated. You call it</p> <p>16 criticized. I was berated, unfairly</p> <p>17 berated.</p> <p>18 Q. Did The Post reimburse you for all</p> <p>19 the expenses that were incurred on that</p> <p>20 photo shoot?</p> <p>21 A. No.</p> <p>22 Q. What expenses were not reimbursed?</p> <p>23 A. Probably my transportation to and</p> <p>24 from the different interviews and meetings I</p> <p>25 had in coordinating, it was a pretty large</p>	<p>1 Guzman</p> <p>2 photo shoot, pretty historic too.</p> <p>3 Q. Do you have an accounting of the</p> <p>4 expenses that were not reimbursed?</p> <p>5 A. Cabs, I am talking about cabs.</p> <p>6 Q. Taxicabs?</p> <p>7 A. Yes.</p> <p>8 Q. Yellow cabs?</p> <p>9 A. Yes.</p> <p>10 Q. Did you put in for those?</p> <p>11 A. I don't. I didn't put in for</p> <p>12 those.</p> <p>13 Q. The expenses that you did put in</p> <p>14 for were those reimbursed?</p> <p>15 A. The ones that I put in for, yes,</p> <p>16 the invoices, yes.</p> <p>17 MR. THOMPSON: Let the record</p> <p>18 reflect this subject is an old subject</p> <p>19 that could have been covered back in</p> <p>20 October early this morning within the</p> <p>21 hour-and-a-half time frame the judge</p> <p>22 gave to the defendants.</p> <p>23 BY MR. LERNER:</p> <p>24 Q. Ms. Guzman, you recently</p> <p>25 identified Richard Johnson and Colin Myer as</p>
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<p>1 Guzman</p> <p>2 persons with knowledge of your claims. In</p> <p>3 what respect do they have knowledge of your</p> <p>4 claims?</p> <p>5 A. Do you mean Colin Myler? Not</p> <p>6 Myer. Myler?</p> <p>7 Q. Yes. Colin Myler.</p> <p>8 A. Earlier you showed me a sketch of</p> <p>9 the conference room where the news meetings</p> <p>10 are held.</p> <p>11 Q. Yes.</p> <p>12 A. And I had a sketch of the people</p> <p>13 who were present in that meeting where Col</p> <p>14 Allan decided to begin talking about his</p> <p>15 visits to Scores and talk about strippers</p> <p>16 and talk about his visits to strip joints</p> <p>17 and Colin Myler was part of the conversation</p> <p>18 and so was Richard Johnson. In fact, I know</p> <p>19 that they visited Scores with Col Allan and</p> <p>20 they would often talk about those visits</p> <p>21 during news meetings. And so --</p> <p>22 Q. That is why they are on the</p> <p>23 disclosure?</p> <p>24 A. That is why they are on. Yes.</p> <p>25 Q. Supreme Court Justice Sonia</p>	<p>1 Guzman</p> <p>2 Sotomayor is a close friend of yours,</p> <p>3 correct?</p> <p>4 A. She is a close friend, yes.</p> <p>5 Q. You requested to cover two</p> <p>6 Washington events relating to her</p> <p>7 appointment to the Supreme Court, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Did you think it was appropriate</p> <p>10 for you as a friend of hers to be reporting</p> <p>11 about her?</p> <p>12 A. Well, it was a legitimate news</p> <p>13 story and I had insight that none of the</p> <p>14 reporters at The Post had and they did as</p> <p>15 soon as they found out that she was</p> <p>16 nominated to be, my editors began to call me</p> <p>17 to pump information about Sonia.</p> <p>18 Q. My question was would it be</p> <p>19 appropriate for you to report about a</p> <p>20 friend?</p> <p>21 A. It depends on the context of the</p> <p>22 story. I can't answer that.</p> <p>23 Q. Weren't you biased about her given</p> <p>24 that you have a long-time friendship with</p> <p>25 her?</p>

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<p>1 Guzman</p> <p>2 know, not too many people get 4s and 3s.</p> <p>3 Q. Ms. Guzman, just to be clear, we</p> <p>4 may be misunderstanding one another.</p> <p>5 When I say did you know that in</p> <p>6 2008 you were -- your rating was reduced by</p> <p>7 one level, what I am referring to is the</p> <p>8 level initially recommended by your</p> <p>9 supervisor Joe Rabinowitz versus the level</p> <p>10 that was ultimately assigned to you after</p> <p>11 the APA committee met.</p> <p>12 I am not comparing your final</p> <p>13 review with your self review.</p> <p>14 A. What I remember is -- of the</p> <p>15 process is that -- I am just trying to --</p> <p>16 can you restate the question?</p> <p>17 Q. Okay. Let's go to 2009.</p> <p>18 A. Okay.</p> <p>19 Q. In 2009 your supervisor submitted</p> <p>20 a performance review with a rating and the</p> <p>21 committee, APA committee reduced your level</p> <p>22 by -- your rating by one level, correct?</p> <p>23 A. Well, I know that Joe told me he</p> <p>24 had to reduce it because Col Allan would not</p> <p>25 let him give me a higher number.</p>	<p>1 Guzman</p> <p>2 Q. Okay. Did you know that there was</p> <p>3 a reduction in 2008 of one level that was</p> <p>4 required by the APA review committee?</p> <p>5 A. Yes. These reviews happened but</p> <p>6 Joe ultimately told me that this was his</p> <p>7 decision in 2008.</p> <p>8 In 2009 he was very specific that</p> <p>9 he had to change it begrudgingly because,</p> <p>10 and to use his words, the big guy, meaning</p> <p>11 Col Allan, would not let me get a higher</p> <p>12 number.</p> <p>13 Q. Did he say why Col Allan took that</p> <p>14 position?</p> <p>15 A. He didn't go into details.</p> <p>16 Q. Did he tell you if anybody else</p> <p>17 besides Col Allan was involved in that</p> <p>18 decision?</p> <p>19 A. No. He just said --</p> <p>20 Q. Did he tell you who else was at</p> <p>21 the APA committee meeting?</p> <p>22 A. He just said the big guy. He was</p> <p>23 very specific to point to Col Allan as the</p> <p>24 person telling him --</p> <p>25 Q. I understand.</p>
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<p>1 Guzman</p> <p>2 In 2008 did Mr. Rabinowitz tell</p> <p>3 you why you were reduced by one level?</p> <p>4 A. I remember having a conversation</p> <p>5 with him about the nature of these</p> <p>6 evaluations and how many times he couldn't</p> <p>7 give higher numbers because that would merit</p> <p>8 a salary increase and the number that I was</p> <p>9 trying to negotiate with him because this</p> <p>10 was a negotiation was actually a number</p> <p>11 below from the most excellent number and</p> <p>12 he -- I remember he said to me --</p> <p>13 Q. Ms. Guzman, I am sorry.</p> <p>14 A. -- if you were a 5 you would be</p> <p>15 running this paper.</p> <p>16 Q. The question I asked is, did</p> <p>17 Mr. Rabinowitz tell you why you were reduced</p> <p>18 by one level, it is a yes or no question.</p> <p>19 Either he did or he didn't. If I want to</p> <p>20 know --</p> <p>21 A. Yes.</p> <p>22 Q. -- what the answer was I will</p> <p>23 follow up and ask you to tell us what he</p> <p>24 told you.</p> <p>25 A. Okay.</p>	<p>1 Guzman</p> <p>2 Q. And do you have any other belief</p> <p>3 as to why your rating was reduced in 2008?</p> <p>4 A. I believe that it had to do with</p> <p>5 discrimination. I believe I was treated</p> <p>6 differently than -- I believe I was treated</p> <p>7 differently than my white co-workers.</p> <p>8 Q. How do you know that other people</p> <p>9 were not treated similarly to you with</p> <p>10 respect to APA evaluations in 2008?</p> <p>11 A. Because I saw how perfectly</p> <p>12 talented African American reporters and</p> <p>13 Hispanic employees were treated.</p> <p>14 MR. THOMPSON: She is answering</p> <p>15 your question. This is directly</p> <p>16 responsive --</p> <p>17 MR. LERNER: No, it is not</p> <p>18 responsive.</p> <p>19 THE WITNESS: Yes, it is.</p> <p>20 MR. THOMPSON: Yes, it is.</p> <p>21 MR. LERNER: I don't believe it</p> <p>22 is.</p> <p>23 MR. THOMPSON: It is. She is</p> <p>24 answering your question.</p> <p>25 The question was how do you know</p>

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<p>1 Guzman</p> <p>2 A. What Joe Rabinowitz told -- yes.</p> <p>3 Q. Who told you that it was</p> <p>4 retaliatory?</p> <p>5 A. Joe Rabinowitz, my supervisor.</p> <p>6 Q. And what were the words he used?</p> <p>7 A. He said the big guy would not give</p> <p>8 you a better evaluation.</p> <p>9 Q. And did he say that it was in</p> <p>10 retaliation for you complaining about</p> <p>11 anything?</p> <p>12 A. He wasn't specific about why not.</p> <p>13 Q. Did he say -- did he use the word</p> <p>14 retaliatory or retaliation?</p> <p>15 A. It was inferred.</p> <p>16 Q. Did he use that word?</p> <p>17 A. He didn't use that word. What he</p> <p>18 said was, "I would have given you a higher</p> <p>19 evaluation but the big guy would not let</p> <p>20 me."</p> <p>21 Q. Is that all he said?</p> <p>22 A. Yes.</p> <p>23 Q. Ms. Guzman, can you describe the</p> <p>24 meeting at which you learned you would no</p> <p>25 longer have a position at The Post?</p>	<p>1 Guzman</p> <p>2 MR. THOMPSON: This is another</p> <p>3 area that falls into the category of</p> <p>4 subject matter that could have been</p> <p>5 delved into at Ms. Guzman's first day of</p> <p>6 deposition or the one hour-and-a-half</p> <p>7 that Judge Ellis allotted.</p> <p>8 MR. LERNER: We understand. You</p> <p>9 have a standing objection.</p> <p>10 MR. THOMPSON: A standing</p> <p>11 objection is not to object to every</p> <p>12 question that is improper in violation</p> <p>13 of the judge's order. That is my</p> <p>14 standing objection.</p> <p>15 BY MR. LERNER:</p> <p>16 Q. Who was at the meeting in which</p> <p>17 you were fired from the post, Ms. Guzman?</p> <p>18 A. September 29, 2009, Joe Rabinowitz</p> <p>19 and Amy Scialdone.</p> <p>20 Q. And did they tell you why you were</p> <p>21 being terminated?</p> <p>22 A. They told me, yes, why.</p> <p>23 Q. Who told you?</p> <p>24 A. Amy Scialdone.</p> <p>25 Q. What did she say?</p>
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<p>1 Guzman</p> <p>2 A. That Tempo was being discontinued.</p> <p>3 Q. Did she give you any other reasons</p> <p>4 for your termination?</p> <p>5 A. No.</p> <p>6 Q. Did you have an employment</p> <p>7 contract with The Post?</p> <p>8 A. Initially I did.</p> <p>9 Q. Did you have a contract at the</p> <p>10 time you were terminated?</p> <p>11 A. A running contract, no.</p> <p>12 Q. Did -- what did you do after the</p> <p>13 meeting?</p> <p>14 MR. THOMPSON: Objection.</p> <p>15 THE WITNESS: I cried.</p> <p>16 BY MR. LERNER:</p> <p>17 Q. Did you leave The Post?</p> <p>18 A. I had to physically leave. I was</p> <p>19 escorted out.</p> <p>20 Q. Do you have any personal knowledge</p> <p>21 as to why Page 6, the magazine, was closed</p> <p>22 down?</p> <p>23 A. The same reasons that the Tempo</p> <p>24 was being shut down.</p> <p>25 Q. Which was what?</p>	<p>1 Guzman</p> <p>2 A. Advertising issues.</p> <p>3 Q. Lack of revenue?</p> <p>4 A. Yes.</p> <p>5 Q. Do you have any personal knowledge</p> <p>6 regarding the layoffs that happened as a</p> <p>7 result of the closing of Page 6, the</p> <p>8 magazine?</p> <p>9 A. Actually I do. A white female</p> <p>10 editor --</p> <p>11 Q. My question is about the layoffs.</p> <p>12 A. The layoffs. Yes.</p> <p>13 Q. Many, many people were laid off,</p> <p>14 correct?</p> <p>15 A. Right.</p> <p>16 Q. And there was an editor named</p> <p>17 Margie Conklin who was not laid off, right?</p> <p>18 A. Right.</p> <p>19 Q. Do you have any personal knowledge</p> <p>20 of her contractual relationship with The</p> <p>21 Post?</p> <p>22 A. No.</p> <p>23 Q. Following your termination did you</p> <p>24 ever speak with Col Allan about your</p> <p>25 termination?</p>

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<p>1 Guzman</p> <p>2 Q. Did it say that you were an</p> <p>3 employee at will at all times?</p> <p>4 A. I don't remember the exact words.</p> <p>5 Can I read it again?</p> <p>6 Q. Did the contract lapse?</p> <p>7 A. It lapsed.</p> <p>8 Q. Was it renewed by The New York</p> <p>9 Post, do you have any further contracts?</p> <p>10 A. No.</p> <p>11 Q. Did you regard yourself as an</p> <p>12 employee at will after that contract lapsed?</p> <p>13 A. Yes.</p> <p>14 Q. Did you think you should have been</p> <p>15 offered a different job at The Post instead</p> <p>16 of being terminated?</p> <p>17 A. I wanted to be treated just like</p> <p>18 Margie Conklin was treated. They -- a white</p> <p>19 woman in a similar position, her section was</p> <p>20 reduced in frequency and instead this white</p> <p>21 woman was -- they created a position for her</p> <p>22 with additional duties. I wasn't given that</p> <p>23 opportunity.</p> <p>24 I was treated differently because</p> <p>25 I am Hispanic and because I am black.</p>	<p>1 Guzman</p> <p>2 Q. Did you understand that there was</p> <p>3 a position available on the Sunday New York</p> <p>4 Post that Ms. Conklin was qualified to do</p> <p>5 when Page 6, the magazine, was shut down?</p> <p>6 A. No. This position was created for</p> <p>7 Margie. This position did not exist and</p> <p>8 they created additional duties for Margie.</p> <p>9 Q. What was name of that position?</p> <p>10 A. She was some features director or</p> <p>11 something. It was --</p> <p>12 Q. What was the title?</p> <p>13 A. I don't remember the title. But</p> <p>14 it was a position above what Steve and</p> <p>15 Katherine were doing.</p> <p>16 Q. Was it with respect to the feature</p> <p>17 section or the Sunday paper?</p> <p>18 A. It may have been to both. I</p> <p>19 remember her making contributions to both.</p> <p>20 Q. And was a -- do you know if there</p> <p>21 was a vacant position that she filled?</p> <p>22 A. I know that they created a</p> <p>23 position for her with new duties that were</p> <p>24 not there prior to this position.</p> <p>25 Q. How do you know that?</p>
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<p>1 Guzman</p> <p>2 A. Because I was working there at the</p> <p>3 time and this was the chatter of the water</p> <p>4 cooler.</p> <p>5 Q. So this was water cooler chatter?</p> <p>6 A. Yes.</p> <p>7 Q. And did you -- did the water</p> <p>8 cooler chatter include the details regarding</p> <p>9 Ms. Conklin's contract with The Post?</p> <p>10 A. No.</p> <p>11 Q. Do you know what her contract with</p> <p>12 The Post said?</p> <p>13 A. No.</p> <p>14 Q. Have you ever seen her contract?</p> <p>15 A. No.</p> <p>16 Q. Did anyone tell you in management</p> <p>17 that this new position was created for</p> <p>18 Ms. Conklin?</p> <p>19 A. No.</p> <p>20 Q. Did you ask for a new position to</p> <p>21 be created for you?</p> <p>22 A. No.</p> <p>23 Q. Did you think that you should have</p> <p>24 been offered an editor position on the city</p> <p>25 desk?</p>	<p>1 Guzman</p> <p>2 A. I think I should have been given</p> <p>3 an opportunity to try out, yes. My</p> <p>4 contributions at the paper, yes.</p> <p>5 Q. Isn't it a fact that you -- do you</p> <p>6 think you should have been offered a</p> <p>7 position to try out on the city desk?</p> <p>8 A. Sure.</p> <p>9 Q. Do you know what the city desk</p> <p>10 editor position that was open in the fall of</p> <p>11 2009 paid?</p> <p>12 A. I don't know.</p> <p>13 Q. Did you know that it paid about</p> <p>14 40 percent less than you were making?</p> <p>15 A. I don't know. I come highly</p> <p>16 qualified and highly experienced.</p> <p>17 Q. Are you aware of any New York Post</p> <p>18 editor that was offered a job at a salary</p> <p>19 40 percent less than they were making</p> <p>20 before?</p> <p>21 A. I don't know.</p> <p>22 Q. Had you ever been tried out on the</p> <p>23 city desk?</p> <p>24 A. My first several months at the</p> <p>25 paper were on the city desk.</p>

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<p>1 Guzman</p> <p>2 A. Beautifully.</p> <p>3 Q. How much was she paid for it?</p> <p>4 A. I think she may have been paid 4</p> <p>5 or \$500, \$600, I don't remember.</p> <p>6 Q. Has that story been published?</p> <p>7 A. Yes. And I don't know if she has</p> <p>8 been paid yet.</p> <p>9 Q. Have you had any other full-time</p> <p>10 employment besides Heart and Soul --</p> <p>11 withdrawn.</p> <p>12 Have you had any full-time</p> <p>13 employment since you left The Post?</p> <p>14 A. Full time as in -- as I had in The</p> <p>15 Post?</p> <p>16 Q. A job?</p> <p>17 A. No.</p> <p>18 Q. What about part-time employment?</p> <p>19 A. Just the contracts -- no, just the</p> <p>20 contracts and what we have discussed, the</p> <p>21 freelance assignments.</p> <p>22 Q. Okay. We are going to take a</p> <p>23 brief break and probably come back and</p> <p>24 finish up.</p> <p>25 THE VIDEOGRAPHER: The time is</p>	<p>1 Guzman</p> <p>2 4:07 p.m. and we are going off the</p> <p>3 record.</p> <p>4 (Recess)</p> <p>5 THE VIDEOGRAPHER: The time is</p> <p>6 4:22 p.m.</p> <p>7 We are back on the record with</p> <p>8 video number 4.</p> <p>9 BY MR. LERNER:</p> <p>10 Q. Ms. Guzman, you indicated in your</p> <p>11 filings in this case that Greg Birnbaum told</p> <p>12 you some information about what he thought</p> <p>13 was the reason for your termination from the</p> <p>14 post. Do you remember that?</p> <p>15 A. Yes.</p> <p>16 Q. Did he tell you this information</p> <p>17 directly, him to you?</p> <p>18 A. Yes. In person.</p> <p>19 Q. And he said that he thought your</p> <p>20 termination was because you had complained</p> <p>21 about the cartoon?</p> <p>22 A. He told me it was a retaliation</p> <p>23 for my complaining about the racist and</p> <p>24 sexist environment and in particular about</p> <p>25 the racist cartoon.</p>
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<p>1 Guzman</p> <p>2 Q. Did he tell you what the basis of</p> <p>3 his belief of that was?</p> <p>4 A. He said he couldn't tell me but he</p> <p>5 was sure.</p> <p>6 Q. So he did not tell you --</p> <p>7 A. The specifics.</p> <p>8 Q. If he -- he didn't tell you where</p> <p>9 that information came from, correct?</p> <p>10 A. No.</p> <p>11 Q. Did he say that the information</p> <p>12 came from somewhere?</p> <p>13 A. He did not. He did not tell me</p> <p>14 where the information came from.</p> <p>15 Q. Did you ask him?</p> <p>16 A. Yes.</p> <p>17 Q. Did he indicate whether or not he</p> <p>18 was involved in the decision?</p> <p>19 A. No. He said it was a retaliation.</p> <p>20 Q. Did he say whether or not he was</p> <p>21 involved?</p> <p>22 A. From Col Allan -- no.</p> <p>23 Q. Did you ever date Greg Birnbaum?</p> <p>24 A. No.</p> <p>25 Q. Have you ever been to his</p>	<p>1 Guzman</p> <p>2 apartment?</p> <p>3 A. No.</p> <p>4 Q. Has he ever been to yours?</p> <p>5 A. No.</p> <p>6 Q. Do you have a friendship with him</p> <p>7 now?</p> <p>8 A. Yes.</p> <p>9 Q. Are you in touch with him?</p> <p>10 A. Yes.</p> <p>11 Q. And what is your relationship with</p> <p>12 him?</p> <p>13 A. We are friends. We are</p> <p>14 colleagues. Another journalist.</p> <p>15 Q. Do you know where he works?</p> <p>16 A. Yes.</p> <p>17 Q. Where?</p> <p>18 A. Politico.</p> <p>19 Q. There is a reference to a Politico</p> <p>20 reporter in the memoirs that you are</p> <p>21 writing, Memoirs of a Tabloid Reporter, that</p> <p>22 stuff?</p> <p>23 A. The fictionalized?</p> <p>24 Q. The material we went over earlier.</p> <p>25 A. Yes.</p>